

NOMINATIONS BEFORE THE SENATE ARMED SERVICES COMMITTEE, SECOND SESSION, 108TH CONGRESS

Nominations Before The Senate A

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

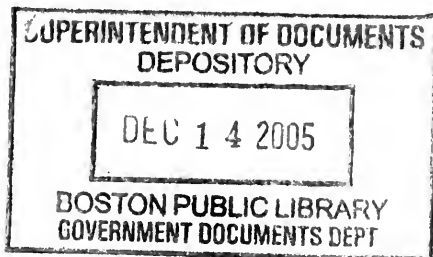
ON

NOMINATIONS OF

FRANCIS J. HARVEY; LAWRENCE T. DI RITA; WILLIAM A. CHATFIELD;
TINA WESTBY JONAS; DIONEL M. AVILES; JERALD S. PAUL; MARK
FALCOFF; GEN GEORGE W. CASEY, JR., USA; ADM VERNON E. CLARK,
USN; LT. GEN. JAMES E. CARTWRIGHT, USMC; VADM TIMOTHY J.
KEATING, USN; LTG BANTZ J. CRADDOCK, USA; PETER CYRIL WYCHE
FLORY; VALERIE LYNN BALDWIN; DR. FRANCIS J. HARVEY; RICHARD
GRECO, JR.; GEN. GREGORY S. MARTIN, USAF; JOSEPH F. BADER; R.
BRUCE MATTHEWS; OTIS W. BRAWLEY; AND VINICIO E. MADRIGAL

JANUARY 28; FEBRUARY 4; APRIL 27; MAY 11; JUNE 24; JULY 8, 21;
OCTOBER 6; NOVEMBER 17, 2004

Printed for the use of the Committee on Armed Services



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WEDNESDAY, JANUARY 28, 2004

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 4:08 p.m. in room SR-222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, E. Benjamin Nelson, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; and Gabriella Eisen, nominations clerk.

Majority staff members present: William C. Greenwalt, professional staff member; Gregory T. Kiley, professional staff member; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Creighton Greene, professional staff member; Gerald J. Leeling, minority counsel; and Peter K. Levine, minority counsel.

Staff assistant present: Leah C. Brewer.

Committee members' assistants present: Derek J. Maurer, assistant to Senator Collins; Clyde A. Taylor IV, assistant to Senator Chambliss; Eric Pierce, assistant to Senator Ben Nelson; and Terri Glaze, assistant to Senator Pryor.

**OPENING STATEMENT OF SENATOR JOHN WARNER,
CHAIRMAN**

Chairman WARNER. The hearing will come to order. First I extend apologies to all with regard to the start again, stop again nature of this hearing. Due to the forecasted bad weather, we had no solid information that the hearing could go ahead this morning, because we were not sure that the Government was coming in or the Sergeant at Arms was going to convene the staff to support the Senate. So here we are and on short notice, but we have pulled it all together, and we are all here.

With that, Senator, I would like to invite you to make your statement and then following that I will give my statement.

Senator Nelson.

Senator BEN NELSON. Thank you very much, Mr. Chairman. I join you, I know, today in welcoming Mr. Di Rita, Dr. Harvey, Mr. Chatfield, and their families to the committee. I want to thank all of you, particularly the family members, for the sacrifices we all know that you will be asked to make. None of the nominees would be able to serve in these positions without the support of their families, and we thank you in advance for those hardships.

Mr. Di Rita is well known to the committee from his previous service as Special Assistant to the Secretary of Defense, a job in which he has become intimately involved in the decisionmaking process for the entire Department. This experience should serve him well should he be confirmed as assistant Secretary of Defense for Public Affairs. I thank you, Mr. Di Rita, for the opportunity to have gone over a number of issues the other day.

Dr. Harvey brings the accumulated knowledge of a 28-year career in the defense industry with the Westinghouse Corporation. Over the course of this lengthy and very illustrious career, Dr. Harvey has been involved in more than 20 major systems development and production programs across a spectrum of platforms, including surface ships, submarines, aircraft, tanks, and missiles. This background will serve Dr. Harvey well should he be confirmed as Assistant Secretary of Defense for Networks and Information Integration.

Mr. Chatfield, whom I have known for a number of years, the nominee to serve as Director of the Selective Service, has served in a variety of government positions over the last 25 years. The Director of Selective Service oversees the registration of young men and women of draft age in the United States.

I look forward to hearing from all of the nominees today. Mr. Chairman, I thank you for the opportunity to make these introductions.

Chairman WARNER. Thank you very much.

I would like to invite our colleague Senator Hutchison to make her statement now and then I will have a few comments and perhaps Senator Pryor will as well. But I am sure you have a full schedule and you are anxious to keep moving.

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM THE STATE OF TEXAS

Senator HUTCHISON. Thank you so much, Senator Warner. Mr. Chairman, Senator Nelson, Senator Pryor: I am very pleased to be here.

There are two very important people that I have known for a long time who are before you today and I appreciate your rescheduling quickly, because they both need to hit the ground running and get on to their new important jobs.

I want to start with Larry Di Rita because Larry was my chief of staff, so I know him so well. I cannot think of a better person to be Assistant Secretary of Defense. Certainly in his job for public affairs he will be excellent. He has even a much bigger role, I think, because he has been the Special Assistant to the Secretary. The Secretary has confidence in him, and I think that is important.

But he is also so well versed in not only military issues, but military history. I found him as my chief of staff to be the smartest, funniest, nicest person that we have ever had in the Senate. He is really extraordinary. He is a Naval Academy graduate and has a master's degree from Johns Hopkins. I found that his judgment was always on target, and he had a perspective that comes from being very well read as well as knowing the issues of the moment.

So I think he is a perfect choice for this position, and I hope he can be confirmed very quickly. I want to say that he is going to introduce his wife in a moment. His wife, Therese, and Larry and I have been really good friends from the very moment that I met him, and his length of experience will make him a superb candidate for this position.

Bill Chatfield is from Texas and I am happy to also introduce him to be the Director of Selective Service. He has had several positions in administrations of the past. He served in Reagan's administration, where he was in the Office of Presidential Personnel. He was there when it was President-elect Reagan, and he was staff for the Deputy Under Secretary for Policy at the Department of Defense. He has been on a Congressman's staff, Congressman Tom Kindness from Ohio, and has since then been in government relations and public affairs. He has been on active duty service in the U.S. Marines and was an intelligence analyst. He lives in Irving, Texas, and is active in the Marine Corps Reserve. He graduated from American University.

I forgot to mention about Larry Di Rita that he also served in Operation Desert Storm, so he is a veteran of Operation Desert Storm before he left the service in 1994 to join the Heritage Foundation.

So both of these gentlemen have wonderful records, and I recommend them to you for confirmation.

Chairman WARNER. Senator, for several years you were a member of this committee. You know it well. Your professional judgment of these two nominees carries great weight.

Senator HUTCHISON. I thank you, Mr. Chairman. I have to say I wish I were still on the committee. It was the best committee I ever had. Thank you.

Chairman WARNER. You made a great personal contribution with us, I know.

We thank you very much. I am sure you are about ready to move on to another challenge before this day is ended.

Senator HUTCHISON. Thank you very much.

Chairman WARNER. First I would like to ask my colleague Mr. Pryor, do you have some comments?

Senator PRYOR. I do not, Mr. Chairman. Thank you.

Chairman WARNER. I am going to put into the record the statement usually made by the chairman in this connection.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

I am pleased that we have before the committee this morning three distinguished individuals who have been nominated for positions of significant responsibility and importance within the administration.

Dr. Francis J. Harvey has been nominated to be the Assistant Secretary of Defense for Networks and Information Integration, a new position. Lawrence T. Di

Rita has been nominated to be the Assistant Secretary of Defense for Public Affairs, and William A. Chatfield has been nominated to be the Director of the Selective Service System.

We welcome the nominees and their families.

Family support is critical to the success of individuals in senior positions in our Government. We thank you all for your role in contributing to the impressive careers of public service of our nominees.

Dr. Francis J. Harvey comes well qualified for the position of Assistant Secretary of Defense for Networks and Information Integration. He brings over three decades of senior corporate management experience to this position, and has private sector experience in areas such as technology development, domestic and international banking, and academic governance, having served on the Board of Regents at Santa Clara University since 1999. Dr. Harvey was a White House Fellow in the Department of Defense in the late 1970s and served on the Army Science Board. Thank you for your willingness to serve in this new capacity.

As noted in Senator Hutchison's introduction, Lawrence Di Rita is likewise well qualified for the position of Assistant Secretary of Defense for Public Affairs. A 1980 graduate of the Naval Academy with active-duty service as a surface warfare officer, Mr. Di Rita was Chief of Staff for our colleague and former member of this committee in the late 1990s. Mr. Di Rita went to work as a Special Assistant to Secretary Rumsfeld in early 2001, and has been a key advisor and spokesman for the Secretary since that time.

William Chatfield has been nominated to head the Selective Service System. He is a Marine Corps Reserve Chief Warrant Officer with over 33 years of officer and enlisted service. He had extensive and varied government service during President Reagan's administration, serving on the staff of the Deputy Under Secretary of Defense for Policy and in key staff advisory roles with the Civil Aeronautics Board, the Office of Personnel Management, the Department of the Interior, and the Interstate Commerce Commission.

Our nominees have a wealth of experience, and I believe each of them will excel in the positions to which they have been nominated. We look forward to their comments and responses today.

Chairman WARNER. Senator Hutchison has covered two of the nominees. I would like to say a word about Dr. Harvey. You are here all by yourself, are you not?

Dr. HARVEY. Yes, sir.

Chairman WARNER. Well then, allow me to introduce you, because I had a very pleasant visit with you. You are a most impressive individual.

Dr. HARVEY. Thank you.

Chairman WARNER. The citizens of this country are fortunate that you are taking this very significant challenge and, at long last, coming into public service in this important position. You are well qualified for the position of Assistant Secretary of Defense for Networks and Information Integration. You bring over 3 decades of senior corporate management experience to this position and have private sector experience in areas such as technology development, domestic and international banking, and academic governance, having served on the Board of Regents at Santa Clara University since 1999.

Dr. Harvey was a White House fellow in the Department of Defense in the late 1970s. What years were they?

Dr. HARVEY. 1978 and 1979, sir.

Chairman WARNER. 1978 and 1979, and served on the Army Science Board.

Again, thank you for your willingness and that of your family to join us.

Dr. HARVEY. Thank you, Senator.

Chairman WARNER. Mr. Di Rita, you and I know each other very well, and I likewise think you are eminently qualified. I will pre-judge that.

Mr. Chatfield, we are getting to know you pretty fast, but I must say thank you very much for stepping up to what some might think is a challenge unlikely to occur. I was in the Department of Defense at the time the Secretary and others decided to end the draft, but I have strongly supported the legislation through my several years here in the Senate to have standby authority and other things in place should the occasion ever arise for that. I think it is important for the young men of this country to be conscious of an obligation that goes along with service.

Would you kindly introduce your family, Mr. Di Rita?

Mr. DI RITA. Mr. Chairman, I will Senator Nelson, Senator Pryor. I would like to introduce my wife Therese Shaheen.

Ms. SHAHEEN. How do you do.

Chairman WARNER. Thank you very much.

Mr. DI RITA. Thank you very much for having her join us today, sir. It was very nice of you to include her. She has been a great source of support for me, and she is currently serving as the Chairman of the American Institute of Taiwan over at the State Department.

Chairman WARNER. Very interesting.

I have been known in this position over many years to say to the families it requires an enormous contribution to enable you to serve in the Department of Defense because of the hours involved in that Department. But you need not have that little observation from me, because you are well experienced in the time that Mr. Di Rita has been in office so far. So enough said.

Dr. Harvey, you do not have anyone with you today. Mr. Chatfield, do you have family here?

Mr. CHATFIELD. No, sir.

Chairman WARNER. No family members?

Are any others deserving, Powell Moore, Assistant Secretary of Defense for Legislative Affairs, of introduction, other than yourself? [Laughter.]

Mr. MOORE. I think you covered it, Mr. Chairman.

Chairman WARNER. Well, thank you very much.

Do any of my colleagues have anything further before we just hear briefly from the nominees? [No response.]

We will start with you, Mr. Di Rita.

STATEMENT OF LAWRENCE T. DI RITA, TO BE ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Mr. DI RITA. Thank you, Mr. Chairman, Senators. It is an honor to be here today and to be considered for this position of the Assistant Secretary of Defense for Public Affairs. I first want to thank Senator Hutchison for her kind words. She was a terrific boss. I worked for her for 5 years. She is a tremendous leader, as you certainly know, Mr. Chairman and Senators, a great Senator and first and foremost—and I think she would appreciate this—a great Texan. So I am very grateful that she was willing to do this today for me.

Chairman WARNER. Well spoken. She is a Senator with unlimited energy and vision.

Mr. DI RITA. She is indeed.

I also wish to thank President Bush for the confidence he has shown in me in nominating me to this position. I certainly thank Secretary Rumsfeld for his leadership and stewardship of the Department of Defense. It has been my great pleasure to work closely with him for 3 very interesting years.

Chairman WARNER. Well, you are very fortunate, as I can say with personal experience. I served in that building for a number of years, and served under three secretaries, and each of them left a very profound mark on my life. I have had the privilege, as you have had, to work with Secretary Rumsfeld. I think he is an absolutely outstanding Secretary of Defense and has put together a great team.

So, consider yourself a lucky person.

Mr. DI RITA. I do indeed. Thank you, Mr. Chairman.

If I may say briefly, sir, of the many communications responsibilities that we do have in the Department of Defense, I believe it is vital that we never lose sight of our most important audience, and that is the military forces themselves and their families. We ask much of them, and we owe it to them to provide timely, accurate information in a time when that is challenging because of nearly instant and continuous communications media.

Our public affairs office at the Department also has a wonderful opportunity to tell the story about our Armed Forces to the public, here at home and abroad. There are many media and methods of doing so, and the Department must use them all to get their magnificent story out.

If confirmed, I would accept with pleasure the responsibility to work with this committee and with others in Congress to do what is right by and for the men and women who wear our Nation's uniform.

I do thank you for your time today, Mr. Chairman, Senator Nelson, Senator Pryor.

Chairman WARNER. Tell us a bit about your own distinguished service in the United States Navy.

Mr. DI RITA. I served for 13 years on active duty, sir. I was a surface warfare officer. I served on a variety of ships and one or two shore assignments, including on the Joint Staff for a couple of years. I served on both coasts and also abroad. I was stationed in Yokosuka, Japan, for 4 years.

Chairman WARNER. Well, given that the persons in uniform are your principal audience, you know them, and you understand them, and the importance of the families to be kept informed. I think it is very fortunate that we have a person that has had that active duty to take on this responsibility.

Now, Dr. Harvey.

STATEMENT OF FRANCIS J. HARVEY, Ph.D., TO BE ASSISTANT SECRETARY OF DEFENSE FOR NETWORKS AND INFORMATION INTEGRATION

Dr. HARVEY. Thank you, Mr. Chairman, Senator Nelson, Senator Pryor. I am honored to appear before you this afternoon as the

President's nominee to serve as the Assistant Secretary of Defense for Networks and Information Integration and the Chief Information Officer of the Department of Defense.

I would first like to thank the President and Secretary Rumsfeld for their support and confidence by selecting me for this position. If I am confirmed, I look forward to the opportunity to serve my country at a time when our national security environment is markedly different and perhaps more complex than at any other time in our Nation's history.

Under Secretary Rumsfeld's leadership, the Department has developed and is implementing a defense strategy to address the challenges of this 21st century security environment. One of the key elements of this strategy is defense transformation, which is focused on effecting significant changes in the way our military fights and the way the Department does business.

From my perspective, the success of this transformation is critically dependent on the development, deployment, and integration of a Department-wide information infrastructure and supporting network that is global, interoperable, secure, real-time, and user-driven, thereby establishing the foundation for network-centric operations.

The position for which I have been nominated has primary responsibility for leadership, management oversight, and governance of all information activities across the Department and consequently has a major impact on the success of this transformation effort. If confirmed, I plan to intensely and energetically focus myself and the team that I lead on achieving this success.

Let me close by stating that, if I am confirmed, I look forward to working with you, Mr. Chairman, and the rest of the members of the committee, as well as the dedicated men and women of the Department of Defense, to meet the challenges of this dangerous and uncertain world in which we live.

Thank you, Mr. Chairman.

Chairman WARNER. An excellent statement. Thank you very much.

Mr. Chatfield.

STATEMENT OF WILLIAM A. CHATFIELD, TO BE DIRECTOR OF SELECTIVE SERVICE

Mr. CHATFIELD. Mr. Chairman, Senator Nelson, Senator Pryor: I also want to start by expressing my gratitude to the senior Senator from Texas. I have had the pleasure of knowing her for the last 20 years, and I agree with Mr. Di Rita, it is quite an honor that she would be here and give of her time.

I am indeed further honored and humbled by the fact that President Bush has expressed his confidence in me to become the 11th Director of Selective Service. Pending Senate confirmation, I do look forward to serving my country in this new position.

At one time or another, I think most of us have dreamt of being placed in charge of an organization where we can make a difference. If I am confirmed as Director, you will be placing me in a fortunate situation. As someone who is very interested in national security and our Armed Forces, I believe I am highly qualified to preserve the best aspects of a proud agency that has a dis-

tinguished 63-year history, while making improvements to operational efficiency, motivating employees and volunteers, and boosting morale.

The Selective Service System is an important Federal agency, with dedicated people doing terrific work. But there is always room for improvement. I know about people. I have studied how the Selective Service System operates. I understand its importance to national defense readiness as America's only proven defense manpower insurance for our Nation's all-volunteer military.

I stand ready to make the needed improvements to the agency's structure and defend its budget and necessary existence as a key component of national defense readiness. Because of personal experience with the military and our wonderful veterans, I also understand and believe in the role that every young man must play with regard to Selective Service. I will encourage the 2 million men reaching age 18 every year in the United States that they must live up to their patriotic, legal, and civic obligations to help provide for the common defense by registering with Selective Service.

With your support, I stand ready to take up the challenges of this important assignment, and I thank you for considering me.

Chairman WARNER. Thank you very much.

The committee asked our witnesses, colleagues, to answer a series of advance policy questions. Each of the nominees has so responded and, without objection, I will make the questions and responses part of the record.

As chairman, it has been the tradition of this committee to ask of all presidential nominees the following standard questions, which I will propound and receive an individual response from each of you. First, have you adhered to applicable laws and regulations governing conflicts of interest? Dr. Harvey?

Dr. HARVEY. Yes.

Mr. DI RITA. Yes, I have.

Mr. CHATFIELD. Yes.

Chairman WARNER. Thank you.

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Dr. HARVEY. No.

Mr. DI RITA. No, sir.

Mr. CHATFIELD. No, sir.

Chairman WARNER. Will you ensure that your staff complies with the deadlines established for requested communications by the committees of Congress, including questions for the record in hearings?

Dr. HARVEY. Yes, sir.

Mr. DI RITA. Yes.

Mr. CHATFIELD. Yes, Mr. Chairman.

Chairman WARNER. Will you cooperate in providing briefers and witnesses in response to the committees of Congress?

Dr. HARVEY. Yes.

Mr. DI RITA. Yes, sir.

Mr. CHATFIELD. Yes.

Chairman WARNER. Will those witnesses be protected from any possible reprisal for their testimony or briefings?

Dr. HARVEY. Yes, sir.

Mr. DI RITA. Yes, sir.

Mr. CHATFIELD. Yes.

Chairman WARNER. Do you agree, when asked before any duly constituted committee of Congress, to give your personal views even if those views differ from the administration that appointed you?

Dr. HARVEY. Yes, sir.

Mr. DI RITA. Yes.

Mr. CHATFIELD. Yes.

Chairman WARNER. Thank you.

We will now call on our witnesses. You have already stated your opening statements, but we will open the floor for questions. Senator Nelson, why don't you lead off, and I will follow with wrap-up questions.

Senator BEN NELSON. Thank you, Mr. Chairman.

Dr. Harvey, in your answers to the pre-hearing policy questions you mentioned that the Deputy Secretary of Defense had transferred the space policy oversight from the Office of the Assistant Secretary of Defense for Networks and Information Integration to the Under Secretary for Policy. If you are confirmed, how do you see your role developing in the policy oversight of those space programs that will be critical to achieving the Department's goals for improving communications capability?

Dr. HARVEY. Thank you, Senator. I see my role as a supporting role in regards to policy, but my understanding, my initial understanding, is that in regards to space communication programs, that we still have program oversight responsibility in my role as the Assistant Secretary.

So the policy component is transferred over to the Under Secretary of Policy, but the program oversight responsibility stays with this office. So we have the duty to ensure that the cost, schedule, and technical objectives of these programs are met. It is a complementary and supporting role, but an important role, I think.

Senator BEN NELSON. Do you see a conflict developing between policy and the integration of processes?

Dr. HARVEY. No, I see it as an iterative process. It is like a lot of other things that go on in the Department, where you start with a position, or a point, and then there are inputs to the policy and there are changes, modifications to the policy. Once that process goes on, and the decisions are made by the Deputy Secretary and the Secretary, then we execute on that policy.

But I see a collaborative, iterative process leading up to that.

Senator BEN NELSON. One of your primary tasks will involve the policy oversight of the programs supporting the communications upgrades inherent in defense transformation. In essence, these programs are intended to provide much better situational awareness throughout the defense establishment. Some have raised concerns about whether this DOD effort will adequately consider requirements for supporting existing and future intelligence systems operated by the combat support agencies.

If you are confirmed, what would be your intent in ensuring that DOD communications improvement plans are harmonized throughout DOD in the Intelligence Community? What are the biggest con-

cerns that have been raised with respect to intelligence and other operations?

Dr. HARVEY. My initial understanding and, believe me, I do not quite know the details yet, but my initial understanding is that the Chief Information Officer (CIO) and the Assistant Secretary has responsibility for reviewing programs, including all information technology (IT) programs across the Department, all the components, the service agencies, the combat support agencies, assessing the performance of those programs, and, as the principal staff adviser to the Secretary, to make recommendations on those programs in regards to their performance, resources, improvements, whether they should be continued or terminated, and so forth.

My current understanding is I have programmatic oversight responsibilities across the Department and my plan, and certainly my management style, would be to ensure that those programs meet their stated cost, schedule, and technical objectives and are integrated with other associated programs.

Senator BEN NELSON. At the end of some day, the question would be will the different groups within the military be able to talk with one another through the technological wonders that we all share today? We understand at the present time that is not the case.

Dr. HARVEY. Excellent point, Senator. Interoperability is one of the objectives. My current understanding of the future state of this communications network, the so-called Global Information Grid, that in the development of that, in the architecture of that, that interoperability is—without that, nothing, a sine qua non capability. Believe me, I will be dedicated to ensure that happens.

I think the plans are in place to do that. The architecture downstream is to do that. We clearly do not have that today, but I can tell you, as I said in my opening statement, I will energetically and enthusiastically pursue that, because it does not do us any good not to have that capability at the end of the day. It would be a waste of money and at the end of the day we certainly want our warfighting forces to be more militarily effective and be in a position to be interoperable, and from my point of view, I think that will save lives.

So it is all a plus-plus, and I will be dedicated to ensure that happens.

Senator BEN NELSON. Well, it seems to me that you share the view that IT is about tools, not toys.

Dr. HARVEY. That is exactly right.

Chairman WARNER. Let us let our colleague Mr. Pryor ask some questions, and we will come back to another round.

Senator Pryor.

Senator PRYOR. Thank you, Mr. Chairman.

Mr. Di Rita, I have a question based on your answer to the written questions submitted beforehand. It talks about responsibilities, and it asks about your principal responsibilities. You said: "My principal responsibilities, if confirmed, would be to assure the Secretary that the Department is doing all it can to tell the story of the men and women serving all of us by defending our country."

Could you elaborate on that answer a little bit?

Mr. DI RITA. Yes, Senator. What I mean when I say that is I do view the responsibilities of the Office of the Assistant Secretary for Public Affairs in sort of a two-track way, that we have a very important responsibility to communicate inside the Department. This is a Department of over 2 million people when you include the reservists and civilians. It is an enormously large and complex organization.

Particularly at a time when there is an awful lot of change and we are engaged in a global war, the importance of communicating inside the Department cannot be overstated. When you look at all of the instantaneous global communications and the opportunities that people inside the Department have to get news and information from a variety of sources, being able to convey important messages to the troops in particular, and, particularly, deployed forces, it is very important, and we have learned that in the course of the mobilization and the deployments with respect to Iraq and Afghanistan. So that is one element.

The other element that I think we have a very important responsibility to do is to quickly, in a timely way, and accurately, get news and information out to the public. That is something that we work hard at. We are structured and organized to do that and we have a variety of ways that we do do it.

Senator PRYOR. I guess your answer, your written answer, sort of implies those things, but it just did not spell it out. I notice in my notes a Defense Directive that talks about ensuring the free flow of information and news to the news media, etcetera.

Mr. DI RITA. Yes, sir.

Senator PRYOR. So I understand this directive is both internal and external, and I just wanted to hear a little elaboration on that.

Second, in a related vein, we all know, there has been a lot of news coming out of the Department of Defense in the last couple years, and more so with our activities in Iraq, Afghanistan, and other places around the globe. How would you rate the job that the Department of Defense has done in the last couple years in providing information, both internally and externally?

Mr. DI RITA. I think it has been uneven. We learn as we go along. One of the experiences that we have had—and I mentioned it in the previous question—is that we are dealing at the current time with—take the internal communications challenge. We are dealing at the current time with some significant number of National Guard and Reserve components mobilized. They are scattered. They do not live in the same geographical area. It is important to get information to them that is timely, that affects their lives and their families' lives. We have developed better tools as we have gone along in the process to do that in a more sophisticated way. But it is something that we work very hard to try and do well all the time.

In terms of news to the general public, I think what I would point to first and foremost is the frequency with which senior officials at the Department communicate. The Secretary sets the example, but we have a lot of senior officials who have spent an awful lot of time doing this. This year alone we have probably conducted—we have something that we call Operation Tribute to Freedom where we essentially hold town hall meetings around the

country. We have made officials of the Department, and returning deploying forces and others available to members of Congress who would like to include them in town hall meetings. We probably have 500 events scheduled this year, community outreach type activities.

We did the embedding process during Operation Iraqi Freedom, which gave, I think, the general public a very important insight into the mission and the capabilities of our Armed Forces in a way that, I believe, is probably unprecedented.

So there are a lot of tools, and we do always look for ways to get better.

Senator PRYOR. You mentioned at the beginning of that answer that it has been uneven. Do you have specific plans to even that out and avoid those valleys?

Mr. DI RITA. If I am confirmed, one of my principal objectives would be to even it out. I do not have any unique proposals to offer other than, as I said, we learn as we go forward, and we have seen things work. For example, the embedding program. We think that it's a program that still has a lot of merit in Iraq. It is a difficult place in Iraq; it is a difficult environment for reporters to report, and we have offered reporters the opportunity to be embedded with units in Iraq. It is more difficult to persuade reporters in an environment where they are not tied to a specific unit, but there are advantages to doing that.

So it is something that we will keep trying to encourage. But that is just one example.

Senator PRYOR. Mr. Chairman, that is all I have. Thank you.

Chairman WARNER. You go ahead, Senator Nelson.

Senator BEN NELSON. Mr. Di Rita, in early 2002, the Pentagon's new Office of Strategic Influence was abandoned after public concerns were raised that the office might provide false news stories to journalists in an effort to influence policymakers and the public in friendly countries overseas. A year later, similar concerns were expressed when the New York Times reported that the Department was planning to revise a key directive on information operations to authorize operations directed at influencing public opinion and policymakers in friendly and neutral countries. Last month, the New York Times reported that the Pentagon had awarded a \$300,000 contract to Science Applications International Corporation (SAIC) to study how the Department could design an effective strategic influence campaign around the world.

In your view, what is the appropriate role of the Department of Defense, as opposed to the Department of State, in trying to influence policymakers in friendly and neutral countries around the world? As a secondary question, under what circumstances, if any, do you believe that it would be appropriate for the Department of Defense officials, any Department of Defense officials, to intentionally provide false or misleading news stories to journalists in the United States or friendly countries?

Mr. DI RITA. If I could expand a little bit on the premise.

Senator BEN NELSON. By all means.

Mr. DI RITA. The question of how the United States communicates in the world is a most important one. I would say that in the world we live in now, the Government of the United States is

not particularly well organized to do that. It is something that during the Cold War we had established a variety of mechanisms that seemed to fit the times. We had various government agencies that were committed to public diplomacy and to communicating the principles of America and the objectives of our foreign policy. A lot of those organizations were disbanded or somehow consolidated after the Cold War for a variety of reasons that were probably appropriate at the time.

But it is a difficult challenge that we face, in a world where—and this is not my term, but others have said—in some sense our very ideas, ideals and principles are at stake, are being challenged by others who do not feel as constrained as we do to tell the truth. So it is a very important thing that we have to set ourselves about doing, and that is developing mechanisms that we can influence. “Influence” can take on overtones that it need not. We certainly want to try and influence others to understand what American principles are and what objectives we have in our foreign policy. At the moment, our objectives in foreign policy have to do with, in large part, discrediting the notion of terrorism as an instrument of power.

So you asked, what is the role, the proper role of the Department of Defense and the Department of State? To be very specific, the Department of State has public diplomacy functions. They perform those functions well, with people who are well intended. The Department of Defense has information operations that are more targeted at military operations, influencing the battlefield. It was used to some significant, and I would say effective, measure in Operation Iraqi Freedom as well as Operation Enduring Freedom in Afghanistan. The combatant commanders use various tools at their disposal to try and influence the battlefield through public information campaigns, and I think those are entirely appropriate, and those too are areas where we continue to try and learn and get better.

Senator BEN NELSON. You would agree, though, that there is a difference between a strategic effort to influence and providing public information? Obviously, public information can influence, depending on what the facts are. But there is a difference between trying to lay out facts for people to draw their own conclusions and another thing altogether to try to influence their conclusions in a certain direction.

Mr. DI RITA. It is a fair point, Senator. I think, again, the term “influence” can have connotations when you are trying to educate elite opinion in foreign countries.

Senator BEN NELSON. Or inform.

Mr. DI RITA. Educate or inform opinion in other countries. Some may see that as trying to shape influence in those countries. I am not sure it has to be seen in any way other than what it is intended, which is to try and convey to particularly elite opinion-makers the principles of American foreign policy and American security policy.

So it is something that, again, I would just zoom out a little bit. It is an important priority for this government and one that I think Congress has some opportunity to provide oversight and leadership

over, because it is one in which, I would just say, my observation is, we are not particularly well organized for the period ahead.

Senator BEN NELSON. Thank you.

Mr. DI RITA. Yes, sir.

Chairman WARNER. Senator Pryor, do you have any more questions?

Senator PRYOR. No, thank you.

Chairman WARNER. Mr. Di Rita, I would have to tell you that I have known, through many years of association with the Department, a lot of your predecessors. I would rank your immediate predecessor, Torie Clarke, as among the most able persons that ever occupied that position. Did you have an opportunity to work directly with her?

Mr. DI RITA. I did. I would, first of all, agree with you. I did not probably know as many predecessors as you did, Mr. Chairman, but I can say that Torie is a gifted communicator, and she was a communicator first and foremost. I worked closely with her. I learned an awful lot from her, probably not enough, and it is a dual challenge to take this job and also to take this job behind Torie Clarke. But, if confirmed, I will certainly work hard to measure up to the many standards that she set.

Chairman WARNER. I also feel that the Secretary and the Deputy handle their press appearances quite well. He sort of arrives with a smile on his face, and he leaves with a smile on his face.

Mr. DI RITA. They do indeed. I agree with you, Mr. Chairman.

Chairman WARNER. I will never forget, on September 11, I called the Secretary up and just chatted with him a little bit because I had known him for a long time. He invited me over. I, in turn, called Senator Levin, and Senator Levin and I both went over.

We went into the press room, and it was magnificent, the way he handled himself together with the chairman. That sort of cemented in my mind that he can really handle that job. So I am wondering why he really needs you? [Laughter.]

Mr. DI RITA. I have asked the same question myself.

Chairman WARNER. Well, I was just kind of suggesting you leave well enough alone, and do what you can to defend him against the barbs.

Mr. DI RITA. The "do no harm responsibility."

Chairman WARNER. Now, I wish I could say that about the Legislative Affairs Department. Therein we have a fairly good working relationship, but, fortunately, with the long friendship that you and I have had, Secretary Moore, we manage.

One of the issues that was before Ms. Clarke, and now is still before you, is that question about handling of the distressing reports connected with casualties, be it loss of life or loss of limb. My colleagues around the table here from time to time have expressed some concern about it, and as a consequence we put in the fiscal year 2004 legislation a provision that requires the Department, not later than May, to prescribe a policy regarding public release of the names and other identifying information about military members who, regrettably, become casualties.

I would hope that you could stay on track with regard to the date and come up with something that would be workable.

Mr. DI RITA. I will, Mr. Chairman, and I will look at that in particular. I am aware of the legislation. I have not made a study of it or of the policy in general, although I do know that, again in this time of instantaneous communications, it is always a challenge to ensure the proper notification and the proper sequencing. As I understand the current policy, we do try and give the families as much advance notice as possible.

Chairman WARNER. The emphasis you place, or how you prioritize, for lack of a better word, between those who have lost their lives and those who have been injured, is important. I mean, stop to think. All of us who have visited Walter Reed, and I am sure you have, have seen firsthand the tragic wounding of individuals and the burden it has put on their families for an indefinite period of time in many instances. So I am glad that you are going to do this.

Now, Mr. Chatfield, this committee, all through the many years I have been here has been concerned about how the high schools treat recruiters. That will not be in your direct area, but a first cousin of that is the registrars that you have to send out. Have you looked into that, what problems there may be? It may be too early to ask you, but I will ask you, but you do not have to answer today: would you give some thought to legislation that would help you?

Mr. CHATFIELD. Well, Mr. Chairman, to this point I have been briefed that the registrars—there are about 25,000 post-secondary schools participating in that program. I think it is about 82 percent. If I am confirmed, we are going to try to, of course, enhance that figure.

At this point in time, initially the Selective Service staff has shared with me, that it is going along quite well, and further legislation might be possibly conceived or misconceived as big brother trying to horn in. Mr. Chairman, if I am confirmed in the position, I will certainly take a look at that and inform this committee as to what I would feel if we might need some legislative help.

Chairman WARNER. My next question is to you, Dr. Harvey. The background, and I want to make it very clear the question is not asked in any way to express any criticism to what we call affectionately "the other body," the House of Representatives. But in the last round of conference with the House, we had quite a difference on the issue of Buy America. Putting aside for the moment how that finally was resolved—and I think it was resolved, from our perspective, and I hope my good friend the chairman in the House feels the same, in a proper way at this point in time.

But this issue of Buy America is going to be examined by this Congress in a broader context than in the Department of Defense. Every day we hear about a loss of jobs, the exporting of those jobs overseas. So it is likely to be addressed again in this bill.

But your area is one which you and I shared some thoughts, and I have some familiarity with it in the modest training I had many years ago. Information technology, comprising both computer and telecommunications equipment, is critical to our weapons systems. This technology in many cases is commercially developed and dependent on global suppliers for component parts and research and development (R&D). Indeed, many contractors are now relying on overseas participation. Also, there should be I think, the maximum

amount of exchange achievable between other nations and their counterparts to yourself.

Suddenly, if we see another Buy America coming along, I would hope that you would guard at the gate on this. I am not so sure that if we move out into a Buy America legislative pattern that those areas in which you have responsibility are well protected to give you the maximum freedom to deal with sources abroad or wherever you think you can get the best equipment to do the job you can.

Have I sufficiently framed the problem?

Dr. HARVEY. Yes, your words are right on the mark. It is a very difficult issue. I have had past experience with this in the defense industry. We had certain Buy American provisions, and certainly the positive—there are positives and negatives involved here. I think, in theory, you are trying to accomplish from an economic point of view, and from a U.S. point of view, an ideal situation, where you are driving down the cost of a product. You are improving its performance, and at the same time that means that you are increasing your markets. You are increasing your market share, and therefore you are hiring people to do other functions if you are outsourcing certain components to foreign markets.

Now, my experience is that it is very difficult to administer Buy American provisions. I just had the opportunity to buy a Dell computer last summer, state of the art, and I noticed when it came to me the monitor was made in China. Some of the software, the operating system part of it, was made in India, and the disk drive was made in Thailand. I think it was assembled in the United States, but they did not tell me.

So that begs the question of what does "Buy America" mean? Are we going to define 51 percent American labor, American components, and so forth?

Chairman WARNER. Let me give you a little bit of advice. Why do you not just think about it? This is in the record right now.

Dr. HARVEY. Okay.

Chairman WARNER. But I just want to bring this to your attention, and you have to focus on it.

Dr. HARVEY. Yes, and it is important.

Chairman WARNER. I want you to learn more about this area, because some colleagues might have a view different than yours, and we might have to bring you back up here and really go after you.

Dr. HARVEY. Okay.

Chairman WARNER. Do we understand each other?

Dr. HARVEY. Thank you, Mr. Chairman. I will think about it, and I have thought about it.

Chairman WARNER. All right. Do other colleagues have any questions? Ben, do you want to ask one?

Senator BEN NELSON. I do, for Mr. Chatfield.

I probably ought to give you the same advice and counsel that the chairman just gave the good doctor there a minute ago before I ask you the question. The new All-Volunteer Force obviously has served the Nation well. It has provided us with the best military in our history in the world. The quality of our service personnel has never been better. Everyone seems to agree with that, and the military leaders do not want to go back to a conscripted military.

Based on that, is there any reason that you can give us to continue the registration requirement for 18-year-old males living in the United States? If we are not looking to return to that system, and nobody is pursuing that system, the question I ask is the obvious one: Why do we perpetuate the system?

Mr. CHATFIELD. Senator Nelson, this to my awareness has become—

Senator BEN NELSON. I bet you thought I was going to ask you if we go back to the draft, whether we should draft men and women. But I am not going to ask you that.

Mr. CHATFIELD. Senator Nelson, I am so glad you did not ask me that. [Laughter.]

But the question you did ask, sir, has been asked and addressed by this body ever since 1980, many times, by administrations as well. The bottom line at this moment, I have been told, is that it is still certainly purposeful as an insurance policy, if you will, an accurate insurance policy, a database that, were I to be confirmed, I would ensure the accuracy of that database. If called upon, and if our friends at the Department of Defense do ever task through congressional mandate, of course, that there be a call-up of some kind, the Selective Service must be ready to act upon that with that accurate database.

The feeling at the agency is that it provides that capability and therefore in fact has a *raison d'être*, because it is there to provide for the common defense in a way that, if needed, it would be ready to go.

Senator BEN NELSON. But you might agree with this, that the very fact that we are considering your nomination today will cause some people to say, given all the stories that are being written about a potential erosion in the Reserve and Guard units because of the overutilization of those units, and because of the lengthy commitments and deployments that many of the Active-Duty Forces will have, that this is more than a belt and suspenders, it is just a prelude to going back, to a request to consider going back to a conscripted force.

Mr. CHATFIELD. Well, sir, again I analogize the scenario somewhat like preventive medicine: An ounce of prevention is worth a pound of cure. I am fortunate, or if I am confirmed I would be fortunate, with the agency to be a service organization, not a policy-maker. That of course once again lies in the hands of this body, this particular committee, and the President of the United States, and any decision to be made to change the system as far as reinstating the draft or what have you, were I to be in that job, I would be very proud of being ready to administer that which is legislated and be ready to go, to do it in a timely, fair, and equitable fashion.

Senator BEN NELSON. Thank you, Mr. Chairman.

Thank you, Mr. Chatfield. I have no further questions.

Chairman WARNER. I would like to make an observation or two, again drawing on my experience through many years, going back to World War II. I was not drafted. I volunteered. But I served with a lot of draftees during that period, and I suppose that was my introduction to a very important distinction, and that is I was there because I volunteered and wanted to be there and a lot of

other folks were there because they were drafted and they did not want to be there.

I saw the friction in the gearbox between those two approaches to service, and I witnessed it again during the conflict in Korea, and certainly I witnessed it when I was in the Department during Vietnam.

I certainly support what you are doing, and I think we should continue it, but people should stop to think that this All-Volunteer Force is extraordinary, and every single individual is there because they want to be there. This Nation has to think very carefully of the consequences if we were to move towards a draft.

In the first place, any draft would have to be predicated on fairness. The first issue we would have to face is whether or not women would be subjected to the draft as well as the men if we had to bring it about. That is step number one. Step number two is that the total number of recruits—I just asked my assistant—the total pool of eligible 18-year-olds far exceeds what the projected needs are for the Armed Forces, which means that if you started a draft you would have to go down and pick out just a few compared to all those that would be eligible by virtue of being 18 and, presumably, in sound mind and sound health.

So that is the first cut where there is some measure of discrimination or luck by what system you pick one and not pick the other. Then you get into the question of deferments, and I saw that very dramatically during the war in Korea, because I remember I trooped off and came back to law school and a lot of folks who had never seen World War II service were still there, had gotten all the deferments, went on out and graduated and still had never served. I always felt that was a somewhat inequitable situation.

Lastly, since you cannot use the whole pool and those you do use would have to put their life on the line, in fairness you would have to utilize those that are not taken in the military as a civilian corps of workers. You are talking about significant costs and investments. You try and set up some type of civilian corps of workers to do perhaps wonderful jobs to help this country in many respects, but the cost is tremendous.

Then do those civilian workers get a GI Bill, just like the folks who go into uniform? Therein is another big cost. Then you start thinking the military person gets what we believe is the best of health care. Are the folks in the civilian corps entitled to the best of health care? Then suddenly you are looking at major dollars.

Some day, sit down and think that through and look at the record of my observations here and see whether you agree or disagree. Perhaps you will think of other aspects of that, because we actually have a bill that is in the House now to reinstate the draft, put in by a man that I admire a great deal. As a matter of fact, he is a gentleman that served in Korea with distinction in the United States Army in a combat position. He is a man that understands military life. So that bill may come over here, and we may have to address that issue, and you would be among the first people I would call up and get a little advice from.

Mr. CHATFIELD. I would be honored, sir.

Chairman WARNER. Good.

Now, Dr. Harvey, the Navy-Marine Corps Intranet, are you familiar with that?

Dr. HARVEY. Just in a very general sense.

Chairman WARNER. This committee played a major role in getting it established, and it is close to \$7 billion. An awful lot of wonderful things can come from this, but if there is a weak link in it I am concerned that the whole thing might not function. I am going to ask you to commit to this committee that you are going to spend a good deal of time on that program and that you will come to this committee if you are concerned that there is a risk it is not going to work the way Congress intended and the Department of Defense is trying to implement. All right?

Dr. HARVEY. I am committed, and I will apply my normal programmatic background to ensure that it is either on schedule, on cost, or it is not and what we are going to do to fix it.

Chairman WARNER. Lastly, Mr. Di Rita, again "Stars and Stripes." I have a great affection for that periodical, and I am a strong supporter of it. I would hope that you would find the time to really see what you can do to help it become even a better means of communication to the men and women of the military, because it is read all over the world.

Mr. DI RITA. I will spend time on it. It is in Iraq. It is being published in Baghdad.

Chairman WARNER. Absolutely.

Mr. DI RITA. It is a very important tool for communications.

Chairman WARNER. The troops like to stick it under their arm and read it whenever they get a few spare moments.

Mr. DI RITA. Yes, sir.

Chairman WARNER. Good.

Well, colleague, I think we have seen some excellent individuals nominated by our President and with the Secretary of Defense's endorsement. Now it is left up to us to evaluate them. This committee will take into consideration the record that my colleague and I have established today. I thank you for joining me today, Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. I concur that we have an excellent slate of nominees and I look forward to sharing that information with the rest of our colleagues.

Chairman WARNER. Good.

I wish you and your families well, with the expectation that each of you will be confirmed in due course. Thank you for your offer of public service.

The hearing is concluded.

[Whereupon, at 5:07 p.m., the committee adjourned.]

[Prepared questions submitted to Francis J. Harvey by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I wholeheartedly support full implementation of the Goldwater-Nichols and Special Operations reforms.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I am not yet fully familiar with the Department's efforts to implement these reforms. However, if confirmed, I will review the extent to which these reforms have been implemented and assess appropriate actions I can take to promote further implementation.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. It is my understanding that these reforms have significantly improved the organization of the Department of Defense, focused our joint warfighting capabilities, enhanced the military advice received by the Secretary of Defense and provided for more efficient and effective use of defense resources to national security.

Question. The goals of Congress in enacting these defense reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I agree with these goals.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. My understanding is that the Department is continuing to examine ways to better support the goals of the reform in light of our ever changing environment. If confirmed, I will fully support the intent of the reforms and advocate legislative proposals and policies that will enhance the Department's ability to respond to the National security challenges of the 21st century.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Defense for Networks and Information Integration ASD(NII)?

Answer. If confirmed, my understanding is that I will have two major duties. The first is to advise the Secretary of Defense on information integration, information resource management, networks, network-centric operations and command and control (C2) and communications matters across the Department. The second is to provide leadership, management, policy and governance to the development, deployment, support and integration of DOD-wide information infrastructure and supporting networks and C2 and communication capabilities in support of the Defense Mission.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe that I have three basic qualifications for the position of ASD(NII). First, I know how to lead and manage large organizations, particularly program based organizations involved in the development and deployment of technology and systems. In the management area, I have had a great deal of experience in project management as well as success in streamlining organizational structures and improving business processes that have transformed organizations into much more efficient and effective operations.

Second, I have a broad base of experience that has been multi-dimensional in terms of functions, industries, and markets and has included both the commercial and government sectors. My industrial experience has been centered on the defense industry and also includes energy, environmental and infrastructure, electronics, communications and information systems. In the defense area, I have been involved in various phases of over 20 programs that span the entire spectrum from under seas to outer space including submarines, surface ships, aircraft, missiles, and satellites.

Finally, I have a hands-on management approach that I believe would be effective and supportive of Defense Transformation, which is one of the key elements of the Secretary's Defense Strategy. This approach can be characterized as both results and continuous improvement driven.

In the area of education, I have a BS from the University of Notre Dame and a PhD from the University of Pennsylvania in metallurgical and materials science.

I believe that the combination of successfully leading and managing large, technology-based organizations, the broad base of industrial experience centered on the defense industry, and education have prepared me for the ASD(NII) position.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the ASD(NII)?

Answer. I believe that I am fully capable of performing the duties of the ASD(NII).

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. Assuming I am confirmed, I expect that the duties and functions that the Secretary would prescribe for me would be similar to those discussed above plus additional ones that he deemed necessary in my area of responsibility.

RELATIONSHIPS

Question. In carrying out your duties, how will you work with the following:
The Secretary of Defense.

Answer. If confirmed, I will function as DOD Chief Information Officer (CIO) and as the principal staff assistant and advisor to the Secretary of Defense for all matters pertaining to information integration, networks, and network-centric operations and DOD-wide command and control (C2) and communication matters.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, my relationship with the Deputy Secretary of Defense will be the same as that described above in relation to the Secretary of Defense.

Question. The Under Secretary of Defense for Intelligence.

Answer. If confirmed, I will work very closely with the Under Secretaries of Defense for Intelligence to ensure that intelligence systems are fully integrated with the Department's current and future communication and information systems.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. With respect to acquisition of IT, other than Major Information Automation Systems (MAIS), if confirmed, I expect to work closely with the Under Secretary of Defense for Acquisition, Technology, and Logistics so that we can both carry out our statutory obligations.

Question. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Answer. If confirmed, my relationship with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict will be similar to that in relation to the other Assistant Secretaries of Defense.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. If confirmed, my relationship with the Assistant Secretary of Defense for Homeland Defense will be similar to that in relation to the other Assistant Secretaries of Defense, with particular emphasis on improving the integration and flow of information to and among participating agencies in support of homeland defense.

Question. The General Counsel of the Department of Defense.

Answer. If confirmed, my relationship with the General Counsel will be based on my role as principal staff assistant in the areas of information integration, networks, and network-centric operations, and command and control (C2), and communications matters and as the DOD CIO and his role as the chief legal officer of the Department of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. If confirmed, I will continue to coordinate and exchange information with the Chairman of the Joint Chiefs of Staff on information integration, networks, and network-centric operations and command and control (C2) and communication matters to ensure all policy and guidance issues under my cognizance are supportive of the combatant commanders and military services.

Question. The regional combatant commanders.

Answer. If confirmed, my relationship with the regional combatant commanders will be based on my role as principal staff assistant to the Secretary of Defense for networks and information integration, net-centric operations, and command and control (C2) and communication functions and as CIO, and I will coordinate and exchange information with them on matters of mutual interest to ensure management policy and guidance for network-centric operations are supportive of their warfighter roles and missions.

Question. The Director of the Defense Intelligence Agency.

Answer. If confirmed, I will work with the USD(I) to ensure that DIA's programs follow DOD guidance in the areas of information architecture, interoperability, and acquisition.

Question. The Director of the National Imagery and Mapping Agency.

Answer. If confirmed, I will work with the USD(I) to ensure that National Geospatial-Intelligence Agency's (NGA) (formerly NIMA) programs follow DOD guidance in the areas of information architecture, interoperability, and acquisition.

Question. The Director of the National Security Agency.

Answer. If confirmed, I will work with the USD(I) to ensure that NSA's programs follow DOD guidance in the areas of information architecture, interoperability, and acquisition and directly with the Director, NSA on matters pertaining to information assurance.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the ASD(NII)?

Answer. I believe there are four major challenges that will confront the ASD(NII). The first challenge is the successful execution of the major communication and information systems programs which, as a whole, are intended to build the foundation of network-centric operations. Building this foundation is key to the Secretary's strategic initiative to fundamentally transform the way our forces fight and how the DOD does business.

The second challenge, which is closely related to the first, is the successful integration of the programs that are being developed and deployed to produce network-centric capabilities to support network-centric operations.

The third challenge is the smooth and seamless transition of legacy systems to the future, or "to be," network-centric GIG.

The final challenge is to promote and support dramatic improvements in the efficiency and effectiveness of DOD business processes. My understanding is that the Under Secretary of Defense (Comptroller) is leading the improvement initiatives and, if confirmed, I plan to work very closely with him to ensure that this effort is highly successful.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Assuming that I am confirmed, my approach to addressing the first two challenges would be threefold. First, I would conduct periodic and in-depth reviews of all key programs to ensure that cost, schedule, and technical objectives are met and, if not, that recovery plans are developed and implemented. Second, I would establish a strong systems engineering function in the OASD(NII) to ensure that systems and services being developed fully meet the objective operational capabilities. Thirdly, I would establish robust governance processes to ensure that the evolving elements of the information infrastructure are consistent with the principles of network-centric warfare operations.

To meet the third challenge of transitioning of current to future systems I would direct the development of comprehensive and high confidence execution plans for each element of the information infrastructure roadmaps.

Finally, in regards to business process improvement, my understanding is that the USD (Comptroller) has established a broad based initiative to improve the efficiency and effectiveness of business process across the Department. If I am confirmed, I would work very closely with the USD (Comptroller) to ensure that the goals and objectives of this initiative are met, and preferably, exceeded.

Question. What do you assume will be the most serious problems in the performance of the functions of the ASD(NII)?

Answer. At the present time, I do not believe that I am sufficiently informed on the relevant details to be knowledgeable of specific problems. However, I do know from past experience that problems occur in the management of highly technical programs like the ones for which the ASD(NII) has oversight responsibility. These are related to the timely development of supporting technologies, meeting cost and schedule objectives and successfully integrating the elements of a system into the operational environment. If I am confirmed, I would ensure that I become fully aware of and directly involved in solving problems.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will use the comprehensive program review process discussed above to discover and solve problems. Early recognition of problems through frequent program reviews is a very effective way to ensure success.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the ASD(NII)?

Answer. If confirmed, my priorities would be in direct support of the Secretary of Defense's transformational objectives and closely related to the challenges that I outlined above. Therefore, at a minimum, these would be in the following areas: program execution; program, systems and systems-to-systems integration; transition of legacy to future systems and DOD business process improvement.

C3I TO NII

Question. The National Defense Authorization Act for Fiscal Year 2003 authorized the position of Under Secretary of Defense for Intelligence (USD(I)). The establishment of this position in early 2003 resulted in significant changes to the organization of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, that has now been designated as the ASD(NII).

In your view, how has the establishment of the USD(I) affected the mission, organization and vision of the ASD(NII) organization?

Answer. Prior to the establishment of the USD(I), the mission of ASD(C3I) was to enable the information age transformation of the Department of Defense by building the foundation for network-centric operations. In the creation of the USD(I) certain personnel responsible for policy, requirements review and acquisition oversight of intelligence programs were transferred from the ASD(C3I) to the USD(I). However, in my view, the vision and mission of the ASD(NII) have not changed substantially from those of the ASD(C3I).

Question. How would you assess the evolution, to date, in the establishment of these two organizations, the separation of responsibilities, and the understanding of employees and consumers of the new areas of responsibility?

Answer. At this point I am not sufficiently informed to offer an opinion. If I am confirmed, I would be happy to discuss this topic with the committee at a later date.

Question. What remaining challenges do you foresee in fully implementing the responsibilities of these two organizations—USD(I) and ASD(NII)?

Answer. At this time, I am not sufficiently informed to comment on this issue. However, if I am confirmed, I can assure you that I would continue to foster a close and cooperative relationship with the USD(I).

Question. What do you see as the appropriate relationship between ASD(NII) and USD(I) in performing CIO responsibilities regarding the Combat Support Agencies which have intelligence support missions?

Answer. It is my understanding that the ASD(NII), as the DOD CIO in conjunction with the DCI CIO, is responsible for information architectures, interoperability and acquisition relative to his CIO responsibilities regarding IT and national security systems of the Combat Support Agencies of the Department of Defense which have intelligence support missions.

INFORMATION SUPERIORITY

Question. Many have described the major responsibility of the ASD(NII) as "information superiority."

Describe your vision of information superiority for DOD, including any major impediments to information superiority facing the Department.

Answer. In the general area of information superiority, a major responsibility of the ASD(NII) is to enable the Information Age Transformation of the DOD by building the foundation for network-centric operations which primarily involves the development and deployment of the future, or "to be", Global Information Grid.

On this basis, I envision a Department of Defense that is second to none in its ability to leverage Information Age concepts and technologies, creating an organization that has superior situational awareness, the ability to collaborate as well as to self coordinate and is both interoperable and agile enough to meet the challenges of an uncertain future. Providing each and every individual with access to the information he needs, ensuring that he has access to the individuals and organizations with whom he needs to interact, and facilitating and supporting these interactions with a rich collaborative environment will enable our warfighters to employ new concepts of operation and command and control approaches that are and will continue to emerge to meet the challenges of that uncertain future.

At this time I believe the major impediments to progress are: (1) our inability to quickly field emerging information related capabilities; and (2) cultural barriers to information sharing, collaboration, and experimentation that impede facilitation of these essential conditions. If confirmed, I will devote my energies and focus the ASD(NII)'s efforts to make each and every individual throughout DOD fully network-enabled, make information accessible, and foster collaboration while simultaneously ensuring that our information and information processes and systems are adequately protected and assured.

INFORMATION OPERATIONS

Question. Joint Vision 2020 describes "information superiority" as a critical element of success in 21st Century conflict. Disrupting the information systems of adversaries, while protecting our own systems from disruption (i.e., information operations) will be a major element of warfare in the future.

Describe your vision for the role of information operations in the conduct of military operations.

Answer. As discussed in the previous question, information superiority requires robustly networked forces that share global, secure, reliable, real-time information. Obviously, any disruption to the network or the ability to share information would significantly decrease or neutralize a position of information superiority relative to an adversary. Likewise, adversely affecting an enemy's communications and information systems will improve our relative position and, therefore, enhance our capability to efficiently and effectively conduct network-centric operations.

On this basis, my vision is that information operations plays a critical role in the effective and efficient conduct of network-centric operations and that a major emphasis should be placed on developing a first class capability to conduct these types of operations.

Question. What is your assessment of the unity of the efforts across the Department, the Defense Agencies, and the respective military services in this area?

Answer. I am unable to answer that question because I am not familiar with the details at this time.

Question. What lessons have been learned regarding information operations in Operations Iraqi Freedom and Enduring Freedom?

Answer. I am not familiar enough with the details at this time to respond to this question.

Question. How will these lessons learned affect your vision for information operations?

Answer. I am unable to answer this question at this time. However, I would be happy to discuss this topic with the committee if I am confirmed and I have had an opportunity to become familiar with the details.

INFORMATION ASSURANCE

Question. The protection of the Department of Defense's critical information infrastructure has become a high priority. Training and retention of personnel in this developing profession of computer security and infrastructure protection has been challenging.

Are you satisfied with the Department's current level of effort to protect critical DOD information infrastructures? Have sufficient resources been allocated for this task?

Answer. While I am not yet fully familiar with the details, like other organizations in which I have been involved in the past, DOD appears to be constantly in a race to stay up with technology and to balance growing IT demands with the required security. From my outside perspective, the Department appears to have made significant progress over the years in improving its ability to protect information and defend the network, DOD must continue to evolve and strengthen its ability to defend its networks, computer and information systems. If confirmed, I will assess our progress to date and determine what additional actions and resources may be required.

Question. What are your views on the professional development and retention of the highly skilled personnel required to ensure the security of our Department of Defense information systems?

Answer. While I am not yet fully familiar with the details, in DOD, as in most organizations, development and retention of skilled people is critical and one of our most challenging tasks. It is my understanding that DOD has made strides in identifying and improving the management of these critical personnel. For example, I understand that DOD is making progress with its widely successful IA Scholarship Program, the implementation of Centers of Academic Excellence, and the introduction of a much more security relevant curriculum in DOD professional military education.

Question. Given DOD's growing dependence on commercial networks and systems, what role, if any should DOD play in ensuring that the private sector sufficiently addresses information security issues?

Answer. By leveraging its important position in the information security market place, DOD needs to make security a priority mandate via its procurement policies and its configuration control requirements.

CONVERSION TO INTERNET PROTOCOL VERSION 6

Question. The Department has mandated a transition of DOD networks to technologies based on Internet Protocol version 6 (IPv6). However, there are concerns that conversion of systems from either IPv4 or asynchronous transfer mode (ATM)-based systems could result in additional costs to critical service programs (such as the Army's Future Combat Systems) and potentially reduce the performance of critical networks, by limiting encryption speeds and reducing network quality of service.

If confirmed, what role do you expect to play in ensuring that cost and performance considerations are appropriately considered by DOD during the transition to IPv6 systems?

Answer. It is my understanding that in order to accomplish the Information Age Transformation of DOD, a transition to IPv6 technology is necessary. As the DOD CIO, I would ensure that this transition is necessary and fully justified as well as recommend to the Secretary efficient and effective investments to achieve that transition. If confirmed, I plan to stay closely involved in the planning and implementation of the transition process.

OPEN SOURCE SOFTWARE

Question. What are the current challenges facing DOD as it develops strategies for the development and use of open source software?

Answer. My understanding is that the challenges facing DOD with respect to Open Source Software (OSS) are similar to those facing any government organization or industry. The principal challenge is to maintain robust security.

GLOBAL INFORMATION GRID

Question. If confirmed, what would your plans be to ensure adequate test and evaluation of components of the Global Information Grid (GIG)?

Answer. It is my understanding that the ASD(NII) development approach to test and evaluation of the GIG involves an end-to-end testing capability. If confirmed, my plan would be to ensure that this approach becomes a reality.

Question. If confirmed, how would you assess the current and potential future threats to military forces dependent on the GIG?

Answer. If confirmed, I will work in partnership with the Joint Staff, the relevant combatant commanders, the Intelligence Community, and the information security community to protect the GIG by implementing a risk management-based approach. This approach would address current and potential threats to network-centric forces and develop measures to effectively deal with those threats.

ASD(NII) ROLES IN SPACE PROGRAMS AND POLICIES

Question. The 2001 report of the Commission to Assess United States National Security Space Management and Organization (also known as the Space Commission) stated that space interests had to be "recognized as a top national security priority" but argued that "the only way they will receive this priority is through specific guidance and direction from the very highest government levels." ASD (NII) is responsible for space policy formulation and coordination within the Office of the Secretary Defense.

If confirmed, what role do you expect to play in the formulation of space policy?

Answer. I am informed that the Deputy Secretary of Defense recently decided to transfer space policy from the ASD(NII) to USD(Policy). My plan, if confirmed, would be to work with USD(P) to define a supporting role for ASD(NII) in matters where space policy and ASD(NII) responsibilities intersect.

Question. Do you believe that responsibility for the Department's space policy is appropriately assigned, in light of the Space Commission's recommendations?

Answer. I am not sufficiently familiar with the details of the transfer to comment at this time. However, I would reiterate that if confirmed, I would work closely with the USD(Policy) to define ASD(NII)'s role.

Question. If confirmed, what role do you expect to play in the oversight of space programs?

Answer. With the very recent transition of space policy to USD(Policy), I do not believe there has been time to fully address the details of oversight responsibility. If confirmed, I would work with the USD(P) and the USD(Intelligence) to establish relative roles and responsibilities that will ensure that these types of programs are executed in the most efficient and effective manner. I plan to continue to actively pursue the oversight of space programs that involve the development of information and communications systems as well as space support programs such as assured access, space control, position, navigation and timing, environmental sensing, and sat-

elite operations programs as delegated by USD(AT&L) and in coordination with USD(I) and USAF.

INFORMATION MANAGEMENT

Question. The Clinger-Cohen Act of 1996 introduced requirements emphasizing the need for the Department of Defense to significantly improve management processes, including how it selects and manages IT resources. For instance, a key goal of the Clinger-Cohen Act is that the Department of Defense should have institutionalized processes and information in place to ensure that IT projects are being implemented at acceptable costs, within reasonable time frames, and are contributing to tangible, observable improvements in mission performance.

What is the status of the Department's efforts to implement the Clinger-Cohen Act?

Answer. At the present time, I am not sufficiently informed to know the details of the Department's efforts to implement the Clinger-Cohen Act. However, in my past experience I have extensively used a portfolio review approach to manage a closer grouping of programs. I believe this approach would be extremely beneficial in managing interrelated information technology programs under my purview.

Question. What role do you expect to play, if confirmed, in the implementation of the Clinger-Cohen Act with regard to IT that is embedded in major weapon systems?

Answer. If confirmed, I expect to perform the statutory and regulatory role envisioned for the CIO with regard to IT embedded in major weapons systems. I will make recommendations to the Secretary of Defense on whether to continue, modify or terminate IT investments, including those in major weapons systems.

Question. What do you see as the appropriate relationship between the ASD(NII) and the service acquisition executives in this effort?

Answer. As I responded in the duties portion, if I am confirmed one of my major duties will be to provide leadership, management, policy and governance to the development, deployment, support and integration of DOD-wide information infrastructure and supporting networks and C2 and communication matters in support of the Defense Mission. On that basis, I would expect that the Service Acquisition Executives would follow the Department's policies and governance in the acquisition of IT, C2 and communications systems.

COMMERCIAL VS MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. In recent years, growing demands for the use of the frequency spectrum for defense and civilian communication needs have increased the competition for this finite resource.

If confirmed, what would your role be in spectrum management issues within the Department of Defense?

Answer. If confirmed as ASD(NII), I would be the Secretary's chief advisor on spectrum matters. In that capacity, I will have the lead for spectrum policy formulation and for providing guidance to the various Department spectrum management entities.

Question. If confirmed, would you represent the Department of Defense in inter-agency and international negotiations regarding spectrum management issues?

Answer. Yes. If confirmed, I will be responsible for representing the Department in national and international forums.

Question. What steps, if any, would you recommend the Department of Defense take to improve its spectrum management policies?

Answer. In order to properly answer this question, I will need the additional information and data available to me as the ASD(NII). There are several factors to be considered such as organization, technology and strategic plans in the improvement of spectrum management policies. The emphasis and approach used on these key aspects will be determined once I have received additional information and background data, in the event of my confirmation.

Question. If confirmed, what actions would you take to review the Department's total spectrum requirements and ensure that new systems are designed to ensure efficient spectrum utilization by the Department of Defense?

Answer. While I am not yet fully familiar with the details, to the best of my knowledge, there has been more attention focused on spectrum in recent years—this is crucial to the Department of Defense. If confirmed, I plan to continue to focus on accurately projecting future requirements for spectrum use to enable efficient operation.

Question. What do you see as the proper balance between defense and other uses of the frequency spectrum, and what is your view of the current process by which those needs are balanced?

Answer. In balancing spectrum uses I believe that national security as well as financial considerations must be fully taken into account in making any changes to spectrum allocations. It is my understanding that there are two organizations in the Federal Government that have overall responsibilities for frequency spectrum management. The Department of Commerce is responsible for integrating government requirements, and the Federal Communications Commission resolves commercial and government requirements. At this time, I believe that the process is adequate.

ASD(NII) AS CHIEF INFORMATION OFFICER

Question. DOD Directive 5137.1 stipulated that the ASD(C3I) would: "Serve as the Chief Information Officer (CIO) of the Department of Defense (DOD). This responsibility includes providing direction and oversight for Information Management (IM) and Information Technology (IT)—including a Departmental IM strategic plan integrated with the Planning, Programming & Budgeting System and the institutionalization of performance- and results-based management."

Has that role changed under the newly-formed ASD(NII) office?

Answer. No. To the best of my knowledge, this role has not changed under the newly formed ASD(NII).

COORDINATION BETWEEN CIO AND CFO

Question. Title 40, Chapter 25 of the United States Code (40 U.S.C. § 1426) establishes accountability within each executive agency for accounting, financial, and asset management systems, and for ensuring financial and related program performance data are provided on a reliable, consistent, and timely manner. The law directs the head of each executive branch to consult with both the CIO and the CFO in establishing appropriate policies and procedures.

If confirmed, how do you see your role as CIO with respect to the CFO?

Answer. I am unfamiliar with the details at this time, but it is my understanding that there have been significant improvements in collaboration between the CIO and the CFO, resulting in a better and more integrated process. To the extent possible, if confirmed, I intend to advance that process for even closer cooperation.

Question. What mechanisms do you believe are needed to ensure proper coordination between the CIO and CFO?

Answer. While I am not yet fully familiar with the details, it is my understanding that as a part of the CFO's initiative to improve the efficiency of business processes across the Department, he has implemented a portfolio management approach, which I believe to be a very sound approach. The idea of domain leaders seems to be a good integrating step, and I will support and expand upon that approach if I am confirmed.

Question. Given the long history of difficulties with financial and accounting systems at the Department of Defense, if confirmed, what specific plans would you have as the CIO to ensure progress is made in providing accurate and timely financial and performance data?

Answer. Based upon my response to XVII A. above, I believe the validity of financial statements is the CFO's job, while the CIO's responsibility is to support the CFO's important responsibility in the area by ensuring that efficient and effective information systems are developed that will provide accurate and timely performance and financial data.

Question. What role do you expect to play in the implementation of such plans?

Answer. If confirmed, I believe my responsibility will be to provide oversight authority for all implementation; however, I will not be the implementer.

CHIEF INFORMATION OFFICER ROLE

Question. The Chief Information Officer position is required by law to report directly to the Secretary of Defense.

Is the ASD(NII) placement in the OSD hierarchy conducive to meeting this legislative requirement and, if confirmed, how do you anticipate fulfilling the DOD CIO role?

Answer. If confirmed, I will report directly to the Secretary and Deputy Secretary of Defense. I anticipate forming strong partnerships with the Under Secretaries, Assistant Secretaries, the Chairman of the Joint Chiefs of Staff, and the DOD CIO community. I believe these alliances will be key to the DOD CIO in providing leadership, direction and oversight, and successfully executing the CIO's statutory and regulatory responsibilities.

DISA OVERSIGHT

Question. The ASD(NII) has oversight over the Defense Information Systems Agency (DISA).

If confirmed, how do you plan to exercise your oversight authority to ensure that DISA provides the most effective support in the most efficient manner?

Answer. If I am confirmed, I would exercise my oversight authority by using the same approach I have used in the past to provide management oversight of large organizations such as DISA. I would ensure that the Agency has established a set of long-term goals and annual operating objectives with supported action plans that are both measurable and relevant. Relevancy is established by ensuring that these goals and objectives are closely aligned with DOD's network-centric vision, mission, strategies and goals. Quantitative measures would be established for each goal and mission. The Agency's top-level objectives would be cascaded down to all levels of the organization to assure total alignment.

Question. In your view, what are the major challenges and problems that DISA currently faces in meeting its mission?

Answer. At this time, I do not believe I am sufficiently informed to know specific problems and challenges. If confirmed, I would plan as part of the goals and objectives setting process to solicit the input from my colleagues on DISA performance and how to improve it, and structure the goals and objectives accordingly. However, in general, I believe that at least some of the major challenges that DISA faces are similar to those previously discussed in the question on (ASD)NII's major challenges—delivering quality products and services on time at affordable cost.

JOINT COMMAND AND CONTROL

Question. Initial reporting from recent military operations indicates joint command and control capabilities have greatly improved in recent years.

What is your assessment of the performance of the Department's global and theater C2 systems?

Answer. I am not sufficiently informed at this time to answer this question, but if confirmed I will carry out in depth reviews and make recommendations for improvements to performance.

Question. What interoperability challenges remain between service to service and service to joint C2 systems?

Answer. I do not have the details at this time, but it is clear to me that achieving interoperability is key to network-centric operations.

Question. What role should ASD(NII) play in ensuring the development of reliable, interoperable, and agile command and control systems?

Answer. It is my view that the role of the ASD(NII) is to provide leadership, management, policy and governance to the DOD wide information infrastructure and supporting network as well as C2 and communication matters in support of the Defense Mission.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes, I do.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Networks and Information Integration?

Answer. Yes, I do.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes, I do.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

GLOBAL INFORMATION GRID BANDWIDTH EXPANSION

1. Senator CHAMBLISS. Dr. Harvey, Secretary Rumsfeld assured the leadership of the House and Senate Armed Services Committees that end-to-end testing would be conducted on DOD's Global Information Grid-Bandwidth Expansion (GIG-BE) solution. Based on his assurances, we dropped language in our conference report that had been adopted in our markup. The Naval Research Lab has already determined that \$15-\$18 million will be required to carry out the required tests, but only \$3 million has been made available by DOD for that purpose. If you are confirmed, can you assure this committee that this funding shortfall will be eliminated to ensure completion of the entire testing regime?

Dr. HARVEY. DOD is conducting end-to-end testing of the GIG-BE in accordance with a Test and Evaluation Master Plan (TEMP) approved by Director, Operational Test and Evaluation (DOT&E). In accordance with acquisition policy, and approved program documentation, the first tests focus on GIG-BE operational suitability and effectiveness at operational test locations, and certification of interoperability with existing legacy systems. GIG-BE testing has started and will continue in phases culminating in interoperability testing by the Joint Interoperability Test Command (JITC). GIG-BE testing is fully funded at \$22 million.¹

In addition to, yet distinct from the compliance, interoperability, operational, and other required testing being conducted on the GIG-BE acquisition program, the Department plans to conduct integrated, end-to-end evaluations of the Department's transformational communications components, including the GIG-BE, using the newly established Global Information Grid (GIG) End-to-End Evaluation Facilities (GIG-EF) located and run by the Naval Research Laboratory (NRL). The Evaluation Facilities program is intended to facilitate early interaction between transformational and existing communications programs and identify issues or gaps in the areas of standards, protocols, and operating procedures before these programs reach full operating capability. The task assigned to NRL encompasses the GIG as a whole and addresses end-to-end issues such as IPv6 transition, efficient routing, information assurance, quality-of-service, performance and scalability, and test and measurement. The evaluation facilities provide an instrumented inter-networked test environment for experts to understand and validate transformational operational solutions for the warfighter. It does not supplant the need for each program within the GIG environment, such as the GIG-BE, to conduct its own testing.

The \$12-\$18 million referenced in your question was a figure prepared by NRL and was used as an input to deliberations by senior management for the fiscal year 2005 President's budget request as well as to identify mechanisms for initiating this capability in fiscal year 2004. Based on rigorous analysis by both the Joint Staff and the Office of the Secretary of Defense, we determined the fiscal year 2005-2009 budget request for the GIG-EF of \$35 million will meet our projected test facility requirements. The \$3 million available in fiscal year 2004 is core funding to initiate the overall effort. This initial funding for the effort led by NRL will be used to: stand up the evaluation/test team, install and configure components purchased in fiscal year 2003, prepare for and support evaluation requirements, and develop and field test measurement systems.

2. Senator CHAMBLISS. Dr. Harvey, DOD has embraced the concept of network transformation with a view toward getting real time (e.g. video) mission information to commanders and troops. In fact, the notion of transformation is the basis for upgrading the Global Information Grid. Given this is the case, why is the Defense Information Systems Agency (DISA) implementing certain technologies that are older, far less reliable, and far less accurate than that which they are planning to replace?

Dr. HARVEY. The technology basis for the Department's Information Age transformation is based on the commonly used communication protocol, Internet Protocol (IP)—a networking technology developed originally by DARPA but adopted globally, by both the commercial and public sectors. Business, industry, and the DOD have found IP to be not only reliable and accurate, but also to be the only viable technology for networking computers and enabling network centric operations. The technologies that the overall GIG architecture and in particular, the GIG-BE, are replacing are based on circuit-based communications approaches that do not support network centric warfare.

¹In a previous response to a similar congressional inquiry, the figure \$29 million was erroneously used to indicate the amount of funding allocated for GIG-BE testing—the correct amount is \$22 million.

There are several programs that are key to the Department's Information Age transformation. They are part of the larger GIG environment and include: GIG-BE—the terrestrial communications backbone, the Joint Tactical Radio System (JTRS)—the wireless portion of this transformation, Transformational Satellites (TSAT)—the space portion, and Net-Centric Enterprise Services (NCES)—core services critical to operate in an IP-based transformational network centric environment. These transformational programs will work together to provide a global interoperable, reliable, and secure network centric GIG, which is vastly superior to the current patchwork of independent networks. The GIG environment must be fundamentally dynamic to manage the constantly changing information flows between any and all users at whatever bandwidth is required. This is the essence of net centricity. The Internet Protocol (IP) is the only commercially available technology that can enable this network centricity.

A fundamental aspect of the design of the GIG-BE is to buy the latest, state of the art technology. The competitive telecommunication industry dictates that its technology be robust, reliable, and result in a highly capable trusted network. As a verification of the GIG-BE design, last year the then Assistant Secretary of Defense for Networks and Information Integration (ASD (NII)) invited industry leaders from AT&T, Lucent, Telcordia, and Verizon to do an independent assessment of our design, test plan and procurement strategy. This review confirmed that the GIG-BE IP-based design and implementation was appropriate and "consistent with industry direction."

3. Senator CHAMBLISS. Dr. Harvey, why is DISA rolling out networks that will require them to maintain a separate network infrastructure for mission critical applications?

Dr. HARVEY. The Department's vision, as described previously, is to implement a common, integrated IP-based network architecture, implemented through the GIG-BE, JTRS, TSAT, and other transformational communications initiatives. It is essential that we transform to a network-centric operational environment if defense transformation is to be achieved. DISA is not rolling out a separate network. However, there will be, by necessity, a period of transition or change from where we are today to where we are going in the future. This will require us to maintain, and provide interfaces to, legacy networks and communications services.

The IP protocol has long supported many of the DOD's mission critical applications including the global transportation network (GTN), global command and control system (GCCS), global broadcast system (GBS), global combat support system (GCSS), Predator video, defense message system (DMS), etc. Convergence of all of our applications and information onto a single network is essential to achieving net centricity. IP is the only commercially available technology that supports this convergence.

4. Senator CHAMBLISS. Dr. Harvey, why is DISA rolling out a "next generation" network that is unable to encrypt at high speeds? Do you know that DISA's current network is capable of encryption at speeds 2.5 Gbps and, very soon, could be at 10 Gbps?

Dr. HARVEY. The "next-generation network," i.e., IP-based GIG-BE, will be able to encrypt data at high speeds of up to 10 Gbps. The GIG-BE architecture allows us to leverage emerging commercial encryption architectures while allowing the use of U.S. Government algorithms to provide the protection needed for critical DOD applications. This architecture allows enhanced interoperability, allows the degree of protection to be tailored to the application, and can be integrated with host computer information assurance (IA) functions. More importantly, it enables the many-to-many interactions that will happen in a network centric environment.

The National Security Agency (NSA) is developing a family of IP encryption products, as part of our overall development of the larger GIG, under a program known as high assurance IP encryption (HAIPE). HAIPE is unique in the history of NSA encryption developments in that the government is only paying for a portion of the development costs. Major technology companies such as L3, General Dynamics, and ViaSat are investing half of the capital required to develop HAIPE devices because they believe there is a significant market for this technology. This encryption market is not new, over the past 15 years the DOD and Intelligence Community (IC) have purchased and fielded over 40,000 IP encryption devices.

The existing 2.5 Gbps encryption capability you mention is based on legacy ATM technology. The current planned 10 Gbps HAIPE devices will be available by 2006. NRL is working closely with NSA to develop 40 Gbps IP encryption technology applicable to GIG-BE, and is working toward a goal of creating Tbps encryption technology. While current ATM encryption is faster than IP encryption available today,

ATM networking technology is not integrated with major computer operating systems, routers or applications, thereby limiting the usefulness of ATM encryption devices. More importantly for the DOD, an all ATM solution is not commercially viable for network centric warfare. Further, GIG-BE has been designed to support users requiring encrypted native ATM services or other legacy circuit based communications through direct bandwidth provisioning.

5. Senator CHAMBLISS. Dr. Harvey, one of the stated goals of GIG-BE is to have unified network architecture. Why is DISA rolling out a "next generation" network where provisioning bandwidth is far more difficult, time consuming, and expensive, e.g. separate outboard costly network management systems for Optical, SONET (15 year old technology), and router bands?

Dr. HARVEY. In reality, implementation of the GIG-BE will make bandwidth provisioning simpler and be more responsive to the warfighter and other customers' communications requirements. Bandwidth provisioning is a concept based on the legacy circuit switched designs, where bandwidth has to be allocated based on projected needs and requirements. This notion of provisioning bandwidth is obsolete. The DOD mission requires a very dynamic network, where bandwidth is made available automatically as the demands of the warfighter changes. Our vision is a mesh network where bandwidth is not a constraint to be managed by operators. In this environment, dynamically changing any-to-any communications are supported without having to provision circuits. The exception is where we must support legacy applications that rely on ATM or SONET based point-to-point circuits.

A guiding principle in implementing the GIG is to base it on commercial information technologies (IT), standards and protocols where flexibility and ease of provisioning is automated in a very dynamic networking environment. The Multi-Standard Provisioning Platform integrates both IP and legacy circuit switching into a single device that is managed from a single network management system. Thus, management of GIG-BE is highly automated and much less labor intensive than the current networks.

6. Senator CHAMBLISS. Dr. Harvey, why is the U.S. Intelligence Community walking away from the GIG-BE to build their own network infrastructure?

Dr. HARVEY. The Intelligence Community (IC) is not walking away from the GIG-BE to build its own network infrastructure. The IC and DOD have made great strides in working communications infrastructure sharing initiatives in the past few years. This is the direct result of the efforts of the IC Chief Information Officer and the ASD(NII)/Department of Defense Chief Information Officer working jointly to develop the communications and information technology infrastructure necessary to allow for a more robust information sharing technical architecture.

Over 70 percent of the sites to be serviced by the GIG-BE serve IC interests as well as DOD needs. While we do not envision full-scale migration of all Intelligence customers to the GIG-BE, the IC will consider the GIG-BE in any future communications needs. Furthermore, the Defense Intelligence Agency and National Geospatial-Intelligence Agency leadership have fully embraced the program.

7. Senator CHAMBLISS. Dr. Harvey, why has the GIG-BE solution not been thoroughly tested beforehand? The DOD has stated that they intend to do this testing; however, the GIG end-to-end test bed has not been funded to do the testing.

Dr. HARVEY. Thorough operational testing to verify the performance of GIG-BE terrestrial IP-based network with legacy systems has been funded and synchronized to support incremental program decision points that are tied to purchases of GIG-BE components, which prevents major investments of unproven capabilities. The GIG End-to-End Evaluation Facilities (GIG-EF) was not established to do Developmental Test/Operational Testing (DT/OT) of the GIG-BE program or any other individual acquisition program. When fully implemented, the GIG-EF coordinated by NRL, will be used to evaluate the technical and operational characteristics between and among the GIG- component programs—including GIG-BE, JTRS, and TSAT. The GIG-EF is expected to work for community members yet remain independent, allowing for unbiased, objective evaluation/testing required for the successful convergence of communications and applications. The objective of the end-to-end testing is to bring programs together before critical milestones so that designs can be stressed and issues can be identified/addressed.

8. Senator CHAMBLISS. Dr. Harvey, DISA elected to have a systems integrator determine the appropriate technologies and procure the GIG-BE on its behalf. The systems integrator stated that GIG-BE was not an agent for DISA. However, DISA materially participated in the procurement. For example, DISA participated in the:

(1) oral presentations; (2) testing; and (3) determination as to which contractors would be awarded GIG-BE contracts. Given DISA's role in this procurement, how can the Department assert that DISA is not required to adhere to Federal Acquisition Regulations (FAR)?

Dr. HARVEY. The GIG-BE program used an innovative approach for identifying, evaluating, testing, and acquiring hardware for deployment that is consistent with the FAR. This approach involved using DISA existing, competitively awarded, network integration contract (DISN Global Solutions or DGS) with SAIC to identify and test a best value hardware solution to meet the GIG-BE functional requirements. This task was judged to be fully within scope of the DGS contract and this approach was documented in the GIG-BE Acquisition Strategy, endorsed by the Office of the Secretary of Defense Chaired Overarching Integrated Process Team (OIPT), and approved by the GIG-BE milestone decision authority (MDA).

In this approach, DISA documented the function requirements for the GIG-BE and tasked SAIC to identify a best value hardware solution to meet these requirements. In order to maximize competition, SAIC requested proposals based on the GIG-BE functional requirements in a full and open competition for hardware. SAIC received 57 responses to this solicitation. Those responses meeting the most critical of the GIG-BE requirements were requested to give oral presentations to SAIC. Senior government engineers observed, but did not materially participate in, these presentations to ensure SAIC's process was both open and sound. Based on these presentations, SAIC recommended a small number of vendors be further evaluated. The government accepted SAIC's recommendation, and these vendors were allowed to demonstrate their equipments in a series of laboratory tests known as "bake offs." Once again, the government observed, but did not materially participate in, the bake offs to ensure SAIC's process was fair. Based on the results of bake off and additional best value analysis, SAIC recommended a single vendor for each equipment type as it is further evaluated. The government decided to accept SAIC's recommendation, and these vendors shipped large amounts of hardware to AT&T Labs in Middletown, NJ, (SAIC's subcontractor), for equipment integration evaluation testing. This testing validated that the equipment satisfied the GIG-BE's critical technical parameters (CTPs) as documented in the GIG-BE Test and Evaluation Master Plan (TEMP). Once again, the government observed but did not materially participate in this testing. As a result of the equipments meeting the government's CTPs, SAIC made a final recommendation to the government to use equipments from four vendors (Juniper, Ciena, Qwest/Cisco, and Sprint/Sycamore) for the GIG-BE. The government decided to accept SAIC's recommendation and these vendors were added as subcontractors to the DGS contract.

[The nomination referenced of Francis J. Harvey follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 6, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Francis J. Harvey, of California, to be an Assistant Secretary of Defense, vice John P. Stenbit.

[The biographical sketch of Francis J. Harvey, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. FRANCIS J. HARVEY

Dr. Fran Harvey is a proven business executive who has extensive experience in leading and managing large organizations, particularly program based organizations involved in the development and deployment of technology and systems. As part of his results oriented management approach, Dr. Harvey places major emphasis on organizational transformation especially through the application of information technology.

His broad base of experience has been multi-dimensional in terms of industries, functions, and markets. His industrial experience is very diverse and includes aerospace and defense, environmental and infrastructure, energy, government facilities

management, electronics, information systems, and the Internet. In the defense sector, Dr. Harvey has been involved in over 20 major systems development and production programs across a spectrum of platforms including surface ships, submarines, aircraft, tanks, and missiles.

Over the course of his 28-year career with Westinghouse (1969–1997), Dr. Harvey had direct responsibility for the research and development, engineering, manufacturing, planning, and project management functions with major emphasis in the defense and energy areas. In addition, he has extensive experience in acquisitions, divestitures and joint ventures as well as international experience, particularly in Western Europe, Japan, and China. Dr. Harvey also served in the Department of Defense as a White House Fellow for 1 year.

In his last position with Westinghouse, Dr. Harvey was the Chief Operating Officer of the Corporation's \$5 billion Industries and Technology Group, which consisted of six global businesses (Power Generation, Energy Systems, Government and Environmental Services, Process Control, Communications and Information Systems and Thermo King) operating in 67 countries with 40,000 people. Under his leadership, a comprehensive change and improvement program to transform the organization was initiated and resulted in significant operational improvements.

Prior to becoming Chief Operating Officer, he served as President of the Corporation's \$3 billion Defense and Electronics business, which was acquired by Northrop Grumman. This business consisted of six segments: Combat Systems; Battle Space Management; Command, Control and Communications; Information Systems; Naval and Security Systems. He also served as President of the Corporation's Government and Environmental Services Co. which consisted of three business units-Department of Energy Facilities Management, U.S. Navy Nuclear Reactor Development and Procurement, and Environmental Services. As the Vice President of Science and Technology, he directed a 1,000 person center which developed and applied technology in 8 major areas: advanced materials, microelectronics, advanced energy systems, power electronics, materials engineering, information and decision making, advanced electromechanical systems and environmental.

Since leaving Westinghouse in 1997, Dr. Harvey has served on 12 different corporate and non-profit boards, 3 of which are portfolio companies of the Carlyle Group. In 2000 and 2001, he was the interim COO of two high-tech start-ups. Most recently, he was Vice Chairman and served as acting CEO of the IT Group, Inc. and currently is the Vice Chairman of Duratek.

Dr. Harvey began his career in 1969 as a senior engineer at the Westinghouse Science and Technology Center, where he published over 50 scientific papers and reports and was awarded 12 patents.

Dr. Harvey obtained his BS degree from Notre Dame and his PhD from the University of Pennsylvania in Metallurgy and Materials Science.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Francis J. Harvey in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. Name: (Include any former names used.)

Francis Joseph Harvey II.

2. Position to which nominated:

Assistant Secretary of Defense for Network and Information Integration and Chief Information Officer.

3. Date of nomination:

November 6, 2003.

4. Address: (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. Date and place of birth:

July 8, 1943; Latrobe, PA.

6. Marital Status: (Include maiden name of wife or husband's name.)

Married to Mary Louise Dziak Harvey.

7. Names and ages of children:

Francis Joseph Harvey III (36 years old).

Jonathan Charles Harvey (33 years old).

8. Education: List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Latrobe High School (1957–1961) Diploma.

University of Notre Dame (1961–1965) BS—1965.

University of Pennsylvania (1965–1969) Ph.D.—1969.

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Self Employed—Los Gatos, CA, 1997–Present.

Duratek, Inc.—Vice Chairman.

IT Group, Inc.—Vice Chairman and Acting CEO.

Corporate Director—Ten Companies.

Westinghouse Electric Corporation

Chief Operating Officer, Industries and Technology Group, Pittsburgh, PA, 1996–1997.

President, Electronic Systems, Linthicum, MD, 1995–1996.

President, Government and Environmental Services Co., Pittsburgh, PA, 1994–1995.

Vice President, Science and Technology Center, Pittsburgh, PA, 1993–1994.

General Manager, Marine Division, Sunnyvale, CA, 1986–1993.

10. Government experience: List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

White House Fellow (1978–1979).

Army Science Board (1998–2000).

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Duratek, Inc. (1999 to Present), Director, Vice Chairman.

IT Group, Inc. (1999 to Present), Director.

Santa Clara University (1999 to Present), Regent.

Kuhlman Electric Corp. (2000 to Present), Director.

Bridge Bank (2001 to Present), Director.

Gardner Technologies, Inc. (2002 to Present), Director.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

The Duquesne Club.

The Metallurgy Society.

Astronomical Society of the Pacific.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Lifetime member of the Republican Party.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

2003 Republican National Committee, \$360.

2002 Republican National Committee, \$475.

2001 Republican National Committee, \$975.

2000 Republican National Committee, \$150.

Tom Campbell Campaign, \$1,000.

Campbell Victory Committee \$2,500.

Jim Cuneen Campaign, \$450.

Victory 2000 California, \$1,000.

1999 Republican National Committee, \$150.

George W. Bush Campaign, \$1,000.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Tau Beta Pi.

Alpha Sigma Mu.

NSF Fellowship.

Outstanding Young Men Of America.

Westinghouse Patent Awards.

White House Fellowship.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

1. "A Steady-State electrochemical Study of the Kinetics of the Reaction of Water Vapor with Liquid Pb-Te Alloys" with G.R. Belton, Heterogeneous Kinetics at Elevated Temperatures, Plenum Press, 1970.

2. "The Rate of Vaporization of Tungsten in Argon", Met. Trans., 3:1972 (1972).

3. "The High Temperature Oxidation of Tungsten in O₂-Argon Mixtures" Met. Trans. 4:1513 (1973).

4. "The High Temperature Oxidation of Tungsten in CO₂-Argon Mixtures" Met. Trans. 5:35 (1974).

5. "Gas Transport Controlled Oxidation of Tungsten," Gordon Research Conference, 1973.

6. "The Co-Ti-C System at 1100 °C, with R. Kossowsky, Met. Trans., 5:790 (1974).

7. "Failure of Incandescent Tungsten Filaments by hot Spot Growth", J. Illuminating Eng. Soc., 3:295 (1974).

8. "The High Temperature Oxidation of Tungsten in H₂O-Argon Mixtures", Met. Trans., 5:1189 (1974).

9. "The Kinetics of Texture Development and Sulfur Removal in Oriented Silicon Iron, with W.M. Swift and K. Foster, Met. Trans. B, 6B:377 (1975).

10. "The Role of Plasma Heating Devices in the Electric Energy Economy" with M.G. Fey, Met. Eng. Quarterly, 16(2):27 (1976).

11. "A Model of Particle Heat Transfer in Arc Heated Gas Streams" with T.N. Meyer, R.E. Kothmann and M.G. Fey, Proceeding of Int'l Round Table on the Study and Application of Transport Phenomena in Thermal Plasmas, Odeillo, France, September 1975.

12. "Mass Transfer Model of Halogen Doped Incandescent with Application to the W-O-Br Systems, Met. Trans. A, 7 A:1167 (1976).

13. "A Model of Heat and Mass Transfer from Liquid metal Droplets in Arc Heated Gas Streams," with T.N. Meyer, Gordon Conference on Plasma Chemistry (1976).

14. "Magnetite Spheroidization Using an AC Arc Heater, with M.G. Fey and C.W. Wolfe, I&EC Process Design and Development. 16:108 (1977).

15. "The Use of Complex Equilibria Calculations in the Design of High Temperature Processes," presented at the 1977 Fall Meeting of the Metallurgical Society, Chicago, October 1977.

16. "A Model of Liquid Metal Droplet Vaporization in Arc Heater Gas Streams" with T.N. Meyer, Met. Trans. B 9B:615 (1978).

17. "Development of a Process for High capacity Arc heater Production of Silicon for Solar Arrays," with M.G. Fey, T.Y.N. Meyer, R.H. Read and F.G. Arcella, presented at the 13th Photo Voltaic Specialists Conference of the IEEE, June 1978.

18. "Thermodynamic Aspects of Gas-Metal Heat Treating Reactions," Met. Trans. A, 9A:1507 (1978).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

FRANCIS J. HARVEY.

This 12th day of November, 2003.

[The nomination of Francis J. Harvey was reported to the Senate by Chairman Warner on February 4, 2004, with the recommendation that the nomination be confirmed. The nomination was withdrawn by the President on September 15, 2004.]

[Prepared questions submitted to Lawrence T. Di Rita by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. Goldwater-Nichols is the law of the land and applies across a wide range of Department activities. My impression is that implementation is extensive, ongoing, and under continued review and assessment.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The following paragraph summarizes the most important aspects, as I understand the act.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I have not given the matter much consideration. It is important to regularly assess the manner in which the department is organized. During the period in which I have served this administration thus far, when organizational proposals have surfaced, there has been significant consultation with Congress. That certainly would be the case with any future proposals.

RELATIONSHIPS

Question. If confirmed, what would your working relationship be with: The Secretary of Defense?

Answer. Daily interaction in order to remain abreast of the Secretary's insights, priorities, and decisions, and to offer my advice to him across the range of issues facing the Department. Will assist the Secretary manage the Department's communications requirements to the Congress, the general public, and—most important—within the Department to civilian and military personnel.

Question. The Deputy Secretary of Defense?

Answer. If confirmed, my relationship with the Deputy Secretary would be much the same as my relationship with the Secretary of Defense.

Question. The Under Secretaries of Defense?

Answer. Regular interaction to assist them communicate matters for which their components are responsible.

Question. The Assistant Secretary of Defense for Legislative Affairs?

Answer. Critical daily interaction. I view communications with Congress as an important priority to ensure Congress is kept informed of important national security and defense-related matters.

Question. The DOD General Counsel?

Answer. Regular interaction to ensure that our communications activities are consistent with regulation and statute. Also, the global war on terror imposes a responsibility upon us to communicate to Congress and the broader public the many unique legal aspects of this conflict.

Question. The Service Secretaries?

Answer. The Service Secretaries have a most important role in the Department's internal communication responsibilities. They also interact regularly with Members of Congress and their staffs. If confirmed, I would work closely with them, and in close consultation with their public affairs chiefs, to help them discharge this responsibility and to help ensure consistency and proper frequency of message.

Question. The Joint Chiefs of Staff?

Answer. As with the Service Secretaries, if confirmed I would expect to work with the chiefs to help communicate with our forces. In addition, I would look forward to working with the Chiefs to assist them in communicating the Department's messages to Congress and the public, as appropriate.

Question. Senior Uniformed Officers Responsible for Public Affairs, including the Army's Chief of Public Affairs, Navy's Chief of Naval Information; Marine Corps' Director of Public Affairs; and Air Force's Director of Public Affairs?

Answer. Please see my responses to the previous two questions. If confirmed, I would expect to be working closely and on a regular basis with the service public affairs chiefs.

DUTIES

Question. DOD Directive 5122.5 describes the responsibilities and functions of the Assistant Secretary of Defense for Public Affairs (ASD (PA)).

What is your understanding of the duties and functions of the ASD (PA)?

Answer. I understand the responsibilities of the position as outlined in the directive. In this position, if confirmed, I would serve as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for DOD news media relations, public information, internal information, community relations, public affairs and visual information training, and audiovisual matters.

Question. Assuming you are confirmed, what changes, if any, in the duties and functions of ASD (PA) do you expect that the Secretary of Defense would prescribe for you?

Answer. I do not anticipate changes in the duties and functions of the position as described in the directive.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. My years as a military officer give me a deep understanding of just how important it is that senior leaders of the department communicate well and regularly with our Armed Forces.

Several years serving as a staff member in the United States Senate taught me the importance of regular executive branch communications with the legislative branch.

While serving as a senior staff assistant to a United States Senator, I also developed sensitivity to the importance of regular interaction with the media.

Finally, my service in the Department for the past nearly 3 years has given me a breadth and depth of exposure to the Department that should help in my responsibilities to communicate the Department's priorities credibly, in a timely fashion, and accurately.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next ASD (PA)?

Answer. We must continue to communicate internally, to Congress, and to the public the President's priorities in the global war on terror, to ensure the lessons of September 11 remain front and center. We also face the challenge of communicating the U.S. goals, objectives, and activities in Afghanistan and Iraq, as those newly liberated countries continue their transition to sovereignty and self-rule.

The significant U.S. military presence in both countries rightly focuses attention on U.S. and coalition activities, and the Department has the responsibility, together with other departments and agencies of government, to properly communicate those activities.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I expect to build upon the work being done to communicate across the range of issues described above. The Department conducts an aggressive program of communication and public outreach, and that must continue and evolve to match our changing circumstances.

I also intend, if confirmed, to place particular emphasis upon internal communications. I view our forces, their families, and the career civil servants who support them as our first, most important audience.

RESPONSIBILITIES

Question. If confirmed as the ASD (PA), what would you view as your principal responsibilities to the Secretary of Defense?

Answer. My principal responsibilities if confirmed would be to assure the Secretary that the Department is doing all it can to tell the story of the men and women serving all of us by defending our country.

Question. Department of Defense Directive 5122.5 provides that the Assistant Secretary of Defense for Public Affairs shall "ensure a free flow of news and information to the news media, the general public, the internal audiences of the Department of Defense, and the other applicable fora, limited only by national security constraints . . . and valid statutory mandates or exemptions."

What guidelines would you use, if confirmed, to determine what information can and cannot be released to the news media and the public?

Answer. The Department publishes Principles of Information, which are included as an enclosure to DOD Directive 5122.5. If confirmed, I would work to ensure that judgments we make regarding the dissemination of information are based upon the principles outlined.

Question. The ASD (PA) has responsibility for the security review of Department of Defense materials for publication and release, including testimony before congressional committees.

If confirmed, what policy would you intend to follow in carrying out these responsibilities?

Answer. Coordination of congressional testimony is in the purview of the Assistant Secretary for Legislative Affairs and the Department's Security Review Office. If confirmed, I would of course coordinate when necessary to ensure the communications aspects of such materials are properly considered prior to release.

Again, consistent with the principles of information and appropriate security/sensitivity/classification considerations, if confirmed I would work to help ensure that we provide such information in a timely and accurate fashion.

Question. Aside from restrictions related to classified and sensitive-source materials, if confirmed, what restrictions, if any, would you apply in approving material prepared for release by DOD officials?

Answer. As a general matter, the first principle of information is that it is "DOD policy to make available timely and accurate information so that the public, Congress, and the news media may assess and understand the facts about national security and defense strategy."

There will be times when judgment is applied to a particular piece or class of information that warrants additional consideration on the basis of source, sensitivity of ongoing operations, the need to verify facts, and other factors. Judgments of this nature must be applied all the time, but the principle remains the same: accurate and fast.

Question. What steps would you take, if confirmed, to ensure that required security reviews do not result in late submission of written testimony?

Answer. Although the ASD (PA) does not hold particular responsibility for this matter, it is important that required security reviews be accomplished. I believe this responsibility can be discharged without undue delay in the submission of testimony and other information.

If confirmed, I would work with department officials to help ensure that they provide written testimony and follow-up information for the record in a timely and accurate fashion. This is a principal responsibility of the Assistant Secretary for Legislative Affairs, but I would work with that official and others to assist as needed in this matter.

POSTING OF INFORMATION BY THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL
(DODIG)

Question. On December 5, 2003, the DODIG issued a memorandum discussing IG data which would be posted on the DODIG Web site. The memorandum stated that "information of questionable value to the general public," "information not specifically approved for public release," and "information for which worldwide dissemination poses an unacceptable risk to national security or threatens the safety and privacy of the men and women of the Armed Forces" would not be posted on the IG's Web site. The policy contained in this memo has been criticized as creating new categories of protected information that do not exist in law and announcing, in effect, a new policy of non-disclosure.

What role, if any, did you as Acting ASD (PA) have in the formulation of the categories of information cited by the DODIG in his memo of December 5?

Answer. To the best of my knowledge and recollection, I had no role in the formulation of the DODIG memo.

Question. How do you interpret these categories of information vis-a-vis existing requirements for release under the Freedom of Information Act (FOIA) and the principles of information set forth in DOD Directive 5122.5?

Answer. As I read the DODIG memo, and I have not discussed the intent of the memo with the IG, he is attempting to provide policy with respect to information on the DODIG Web site during the period in which the applicable DODIG instruction undergoes a review and update as necessary. I do not view it as an intent or desire to create a new class or new classes of restricted information.

Regardless of the intent, though, it is important that matters with respect to information policy within the department be coordinated with the Office of the Assistant Secretary for Public Affairs. It is possible that the IG staff coordinated with the staff in the Office of ASD (PA), but I am unaware if that is the case.

Question. If confirmed, what responsibility, if any, would you have under the DODIG's policy for determining what information falls under the categories for non-disclosure cited in the memorandum?

Answer. If confirmed, my responsibility with respect to communications policy of the Department is spelled out in DOD Directive 5122.5, and I would expect to discharge my responsibilities accordingly. I do not believe the DODIG memo supersedes the principles of information established in DOD Directive 5122.5, nor do I believe that is the intent of the IG in promulgating his memo. If confirmed, I would work with the IG and other component heads to ensure compliance with the principles of information cited in the directive.

NEWS ANALYSIS AND NEWS CLIPPING SERVICE

Question. The ASD (PA) has responsibility for overseeing the provision of news analysis and the news clipping services (including the Early Bird, the Supplement, and the Radio-TV Dialog) for the Office of the Secretary of Defense, the Joint Staff, and the headquarters of the military departments.

What policy would you follow, if confirmed, in providing news analysis and in determining which news media reports should be disseminated throughout the Pentagon?

Answer. These services are first and foremost management tools to assist the senior leadership of the Department discharge their responsibilities. If confirmed, I expect to emphasize the importance that these tools focus on timely, fact-based infor-

mation. I would also look to ensure that such information that is not otherwise widely available be included in the various clipping services.

There are broad guidelines established to ensure that these products include timely, accurate information, but judgment is applied at various levels within the Office of the ASD (PA) to ensure the products are useful to senior decisionmakers in the Department.

EUROPEAN-PACIFIC STARS AND STRIPES

Question. Stars and Stripes is an independent news organization, but it is also authorized and funded in part by DOD. Representatives of the Society of Professional Journalists recently have asserted that OSD and the American Forces Information Service (AFIS) have attempted to improperly use command influence in shaping the editorial content of the Stars and Stripes newspapers and Web site.

In your opinion, what is the appropriate journalistic role of the Stars and Stripes newspapers and internet-based outlets?

Answer. The Stars and Stripes is an important vehicle to help provide broad-based news and information to our forces. I believe the paper has a particular responsibility to focus on forward-deployed forces that do not have good access to other sources of news and information.

I am unaware of any attempts in OSD to shape the editorial content of the Stars and Stripes.

Question. What is your understanding of the role and responsibilities of the ASD (PA) and the Director of AFIS with regard to the operation of and reporting in the Stars and Stripes newspapers?

Answer. The Director of AFIS has certain management oversight responsibility for Stars and Stripes, and the ASD (PA) exercises authority, direction, and control over the Director of AFIS. If confirmed, I would help ensure that the paper operates within its budget and provides quality news and information to our forces, with principal focus on those forces forward deployed who do not have access to a wide variety of other news and information sources.

Question. Based on your experience in OSD, are the Stars and Stripes newspapers and internet reporting editorially independent? If so, what are your views about the appropriate level, if any, of OSD and AFIS oversight over the content of Stars and Stripes newspapers?

Answer. DOD Directive 5122.11 outlines the editorial operations of Stars and Stripes. In accordance with the DOD Directive, "as a Government organization, the Stars and Stripes news staff may not take an independent editorial position." When publishing editorials and other opinion pieces, I understand the editors attempt to provide a broadly representative range of views over time.

The DOD Directive does allow the Star and Stripes editor to "establish a standard code of personal and professional ethics and general editorial principles." My impression based on casual observation and reporting is that the paper is independent, and is perceived as such by military commanders.

Question. In October 2003, Stars and Stripes newspapers featured a story titled "Ground Truth: Conditions, Contrasts and Morale in Iraq." This story included the results of a survey of individual soldiers on such topics as personal and unit morale, concern of chain of command about living conditions, adequacy of training, and understanding of soldiers' mission.

What is your opinion of the content of the foregoing articles and, in particular, the survey that was reported on in the October 15, 2003, edition of Stars and Stripes?

Answer. It is my understanding that Stars and Stripes editors and reporters periodically develop questionnaires such as the one reported in the October 15, 2003, edition. The morale, living conditions, and training of U.S. forces is a responsibility that the entire chain of command within the Department of Defense takes seriously. The senior uniformed and civilian leaders of the Department have taken a number of steps to address these issues and ensure we treat our people right.

It is helpful to receive information on these matters from a wide variety of sources, including such surveys as the one used by the Stars and Stripes.

Finally, I understand that the Stars and Stripes Ombudsman, in a letter to the publisher, gave the Department's leadership high marks for its approach to this series.

Question. The function and responsibilities of the Stars and Stripes' Ombudsman have been the subject of discussion within the AFIS and among journalists outside the Department of Defense.

Do you support an independent Ombudsman for Stars and Stripes?

Answer. I do. I have met with the Ombudsman and corresponded in writing with him on occasion. I have found his insights quite helpful.

Question. What guidance would you provide, if confirmed, with regard to the role, responsibilities and functions of the Stars and Stripes Ombudsman?

Answer. If confirmed, I expect to continue working with the Stars and Stripes Ombudsman. I would expect to depend upon him to provide advice and counsel on the proper functioning of the paper as we seek to ensure it fulfill its role as a provider of news and information to our forces, particularly those forward deployed with less access to other sources of news and information.

STARS AND STRIPES TRANSFORMATION WORKING GROUP

Question. The mission of the Stars and Stripes Transformation Working Group was to evaluate the current operations of Stars and Stripes and to develop recommendations on how the newspaper would best fulfill its mission in serving the U.S. military of the 21st century that will be increasingly mobile, deployed at fewer large-scale overseas bases, and likely situated in new locations around the world.

What were the findings and recommendations of the Stars and Stripes Transformation Working Group?

Answer. The working group made a number of recommendations regarding the budget, business operations, and organization of the newspaper. I found the recommendations thought provoking and asked that the working group leader brief relevant congressional committee staff and the Stars and Stripes management board.

Question. In your opinion, what efficiencies, if any, regarding business operations, operating expenses, sources of income, and DOD funding, etc., need to be implemented to achieve more effective and efficient operations?

Answer. I have not made a detailed study of the matter. The transformation working group made several recommendations in these areas that may be helpful. There are a number of areas in which efficiencies can be explored, including the use of technology to reduce production and distribution costs, potential distribution partnerships with other distributors, increased advertising opportunities, reduced operating expenses by ceasing unnecessary or marginal operations, revenue generation through printing and production services, and other possible and appropriate business opportunities.

In my view, the management of the paper should aggressively seek every possible efficiency and revenue source prior to contemplating an increase in appropriated funds.

Question. In the Chairman's Preface to the Transformation Working Group Final Report, it was stated that the newspaper's editorial philosophy needed review and that throughout the course of the Group's study "military leaders in the combatant commands with whom the Working Group has met have consistently raised concerns about accuracy, balance and investigative reporting in Stars and Stripes."

What are your views about the accuracy, balance, and investigative reporting of Stars and Stripes?

Answer. I have not read the paper in my present capacity closely enough to form a view. As a former overseas-stationed naval officer, I read it regularly and found that it presented a wide range of views, news, and information. The relevant DOD Instruction calls for the paper to provide a balanced source of news, information, and editorial content and my impression is that the managers of the paper attempt to do so in a professional manner.

Question. How did the Department address these concerns?

Answer. The discussion on editorial philosophy as described in the Chairman's Preface represents the views of the chairman alone, and he is entitled to them. To the best of my recollection, the Chairman's Preface was not briefed to the paper's management or oversight officials, or to the relevant congressional committee staff.

The other recommendations of the working group have been made widely available, as described above. I should note that the Stars and Stripes Ombudsman received the briefing and had ample opportunity to comment. In fact, I found his comments quite helpful. To my knowledge, we have not taken any specific action with regard to any of the recommendations as yet.

Question. In your view, what are the most appropriate means to address the concerns raised by the Chairman of the Transformation Working Group?

Answer. I preface by stating my sense that the Chairman performed a useful service to the Department by leading the Transformation Working Group. It is my understanding that he was asked to perform this service by senior OSD officials, and he volunteered his service.

Subsequent to the conclusion of his report, we provided venues for him to brief the findings of the working group as described above. The management of the paper

and the appropriate oversight officials in the department will consider these findings as they seek to ensure the efficient and effective operation of Stars and Stripes going forward.

Question. The governing directive for Stars and Stripes newspapers and business operations is DOD Directive 5122.11, dated October 5, 1993, with changes through September 3, 1996.

What aspects of DOD Directive 5122.11, if any, require changes?

Answer. If confirmed, I will undertake to review the directive to determine if any changes are required. It is my understanding that the operations of the Stars and Stripes as envisioned in the directive, to be managed as two papers under the European and the Pacific Command Commanders, have been combined into a single paper under the Office of the ASD (PA). That reorganization is not reflected in the current DOD Directive, which pre-dates the reorganization.

There may be other areas requiring review and possible updating of the DOD directive. For example, we may seek methods to allow Stars and Stripes to deliver content worldwide. The current directive limits the focus to personnel overseas. Stars and Stripes often contains important military information and it is worth considering whether there is a way to expand the service to forces stationed within the United States.

I am mindful of the potential sensitivities of this notion, but those sensitivities should be balanced against the objective of communicating to our forces and their families as broadly and effectively as possible, and also the prospects for increased efficiencies and reduced operating costs for the paper.

We might also consider how the paper is funded, especially in contingency locations. The directive puts the responsibility of supplying the paper on the combatant commands. This may or may not be the optimal solution but it bears some review to ensure that we have chosen the best approach to ensure the broadest distribution of the paper to forward deployed forces.

PRESS COVERAGE OF COMBAT OPERATIONS

Question. In the past 10 years, press coverage of combat operations has increased. This increased coverage culminated during Operation Iraqi Freedom in authorization by the Department of "embedded" reporters.

What is your assessment of the practice of "embedding" reporters in Operation Iraqi Freedom?

Answer. My impression is that the embedding process was a worthwhile program. It provided the opportunity for the public to receive much better insight into the skill, courage, and professionalism of our forces than may otherwise have been possible had the embedding program not existed. It also gave a large number of journalists a much better understanding of the same thing, and that can only help ensure more accurate defense-related journalism in the future.

Question. What were the most significant "lessons learned" from this practice?

Answer. I have not conducted any analysis of the program sufficiently to draw broad lessons. My observation, bolstered by a large number of anecdotal reports, leads me to believe that the program was effective. The department continues to encourage embedding for journalists covering the post-major conflict period in Iraq.

One area needing analysis is the question of whether it was more difficult for our forces to manage interactions with non-embedded journalists during the conflict. I have heard anecdotal reports on this issue but no systematic study has been done that I am aware of.

Question. What steps would you take, if confirmed, to ensure that the next of kin of combat casualties are informed of death or injuries by Service representatives prior to release of identifying information by either the Department or reporters?

Answer. This is an important priority always, and it takes constant oversight to help ensure we do it right. As always, our first and most important communications audience is our forces and their families and, if confirmed, that will be one of my operating precepts.

FREEDOM OF INFORMATION ACT

Question. If confirmed, what would your role and responsibilities be with regard to the Freedom of Information Act?

Answer. If confirmed, I would do my part to ensure that information sought under the act be released—as appropriate based upon classification or other factors contemplated in the act—as expeditiously and completely as possible.

Question. If confirmed, what responsibilities would you have under the Privacy Act and how would you fulfill those responsibilities?

Answer. Public officials across government have an obligation to respect and protect the privacy of individuals. The need to provide information to the public quickly and accurately in accordance with the principles of information must always take into account with the importance we must attach to not invading the privacy of individuals as a result of disclosing that information.

If confirmed, I will work to ensure that the department's communications and public affairs personnel understand their obligations and that training is available to ensure that.

AMERICAN FORCES INFORMATION SERVICE

Question. What long term goals should the Department support for AFIS?

Answer. As noted earlier in my responses, internal communications is the most important communication priority we have. The American Forces Information Services is the means by which we manage most of our internal communications responsibilities. If confirmed, I will seek every media avenue the department has to ensure we are speaking clearly, timely, and accurately with our forces—including our Reserve component forces—and the families that support them.

There are also opportunities to use technology, including distant learning capabilities, to improve and expand the Public Affairs training we conduct in the department. If confirmed, I will work with the management of AFIS on this and other important training priorities.

Question. If confirmed, would you support expanding or increasing AFIS services under the fiscal year 2005 future years defense plan?

Answer. If confirmed, I will examine all of the capabilities we have to provide news and information to our military at home and overseas and, balancing that against other priorities within my area of responsibility, do what I can to ensure we are doing the best we can in this important area of internal communications.

One area of emphasis must be to improve the timeliness and accuracy of information provided to the Reserve component and their families. There is much we can do with improved technology to expand services to meet this challenge

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Public Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Lawrence T. Di Rita follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 21, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Lawrence T. Di Rita, of Michigan, to be an Assistant Secretary of Defense, vice Victoria Clarke.

[The biographical sketch of Lawrence T. Di Rita, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LAWRENCE T. DI RITA

Lawrence T. Di Rita is the Special Assistant to the Secretary of Defense. He joined the Department after serving as Legislative Director, the Chief of Staff, for Senator Hutchison from 1996–2001. Prior to that, he served as Policy Director to the 1996 presidential campaign of Senator Gramm.

A former Navy surface warfare officer and Operation Desert Shield/Desert Storm veteran, Mr. Di Rita served in several ships and short assignments before leaving the service in 1994. His final tour was on the Joint Staff under General Colin Powell.

While on active duty, Mr. Di Rita served in U.S.S. *Kirk* (FF 1087), U.S. *Midway* (CV 41), U.S.S. *Leyte Gulf* (CG 55) and on the Joint Staff in J–5's International Negotiations Policy Branch.

Upon leaving the Navy, Mr. Di Rita joined the Washington-based Heritage Foundation in 1994 as Deputy Director of Foreign Policy and Defense Studies. He has published frequently on issues pertaining to the U.S. armed services and national security policy.

A 1980 graduate of the United States Naval Academy, he has his master's degree from the Johns Hopkins University School of Advanced International Studies (SAIS) in Washington, DC. Originally from Detroit, Michigan, Mr. Di Rita now lives with his wife, Therese, and daughter in Potomac, Maryland.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lawrence T. Di Rita in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Lawrence Thomas Di Rita.

2. **Position to which nominated:**

Assistant Secretary of Defense (Public Affairs).

3. **Date of nomination:**

November 21, 2003.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. Date and place of birth:

12 March 1958; Detroit, MI.

6. Marital Status: (Include maiden name of wife or husband's name.)

Married to Shaheen, Therese Marie.

7. Names and ages of children:

Isabelle Dolores Di Rita (5).

8. Education: List secondary and higher education institutions, dates attended, degree received, and date degree granted.

M.A., 1987, Johns Hopkins University School of Advanced International Studies.

B.S., 1980, United States Naval Academy.

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

1993–1995, Deputy Director, Foreign Policy/Defense, The Heritage Foundation.

1995–1996, Issues Director, Phil Gramm for President.

1996–2001, Legislative Director/Chief of Staff, Senator Kay Bailey Hutchison.

2001–Present, Special Assistant to the Secretary of Defense.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

1976–1980, Midshipman, United States Naval Academy.

1980–1993, United States Navy.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

N/A

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member, United States Naval Institute.

Member, Friends of Navy Squash.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

N/A

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

N/A

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

\$1,000, Bush/Cheney 2000.

\$500, Jeb Hensarling for Congress.

\$500, Jeb Hensarling for Congress.

Perhaps so, will provide separately if so. [No further information provided.]

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Joint Service Commendation Medal.

Navy Commendation Medal (2).

Navy Achievement Medal.

Various Navy campaign medals.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

See attached list.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

N/A

18. Commitment to testify before Senate committees: Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

LAWRENCE T. DI RITA.

This 9th day of January, 2004.

[The nomination of Lawrence T. Di Rita was reported to the Senate by Chairman Warner on February 4, 2004, with the recommendation that the nomination be confirmed. The nomination was withdrawn by the President on November 16, 2004.]

[Prepared questions submitted to William A. Chatfield by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. If confirmed as the Director of Selective Service what would you view as your principal responsibilities and duties?

Answer. The principal responsibilities of the Director are noted in the Military Selective Service Act: to be ready to provide both trained and untrained manpower to the Armed Forces in the numbers and timeframes requested by the Department of Defense, and to be prepared to manage an Alternative Service Program for those men classified as conscientious objectors. This charter implies that Selective Service be organized, staffed, and trained to perform these tasks.

RELATIONSHIPS

Question. The mission of the Selective Service System is to provide manpower to the Armed Forces in time of national emergency and to manage an Alternative Service Program for men classified as conscientious objectors during a draft.

If confirmed, what would your relationship be to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness?

Answer. It is clear that the chief customer of Selective Service is the Secretary of Defense. Today, Selective Service receives its guidance on the number of conscripts that may be required in a crisis, as well as the desired timeframes from the manpower planners in his Department. The Agency's primary contact within DOD is the Office of the Under Secretary for Personnel and Readiness. We also work very closely with the Military Entrance Processing Command which also comes under this structure. As necessary, there is also direct liaison with the Office of the Secretary of Defense regarding SSS policy issues. Over many years, these relationships have worked well and I will ensure that they continue.

Question. If confirmed, what would your relationship be to the Assistant Secretaries for Manpower in the military services; the uniformed personnel chiefs of the military services; the Director of the National Guard Bureau; the Reserve component chiefs; and the manpower officials in the Joint Staff?

Answer. As an independent civilian agency, Selective Service's principal interface with DOD is the Office of the Secretary of Defense. Joint and Service manpower officials express their needs up their chain to OSD. This said, Selective Service has historically responded to the Services on Service-unique issues. For example, the SSS has been assisting individual Service recruiting efforts by including a recruiting brochure for the active and Reserve components in our registration acknowledgment envelope mailed to more than 40,000 men each week. As Director, I will meet with the Service Secretaries as necessary. The Chief of the Bureau and the Reserve chiefs support the agency by placing 400 National Guard and Reserve officers in Selective Service assignments and assisting with the registration of young men.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Director of the Selective Service System?

Answer. There are four: getting the registration message out to the public given budget limitations, maintaining the registration compliance rate above the 90 percent range, assuring the public that if a draft is reinstated it will be fair and equitable, and defending the System against challenges to its survival from those who believe that our Nation no longer needs the Agency.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. To heighten awareness of the registration requirement among men 18 through 26 years old I would focus more mass mailings to targeted shortfall areas, augmented with public service advertising. This would expand the reach and frequency of the registration message. In support of this approach, I would add momentum and sustainability by encouraging more States to link driver's permits and licenses to the Federal registration requirement. Finally, I would ensure a top to bottom review of all mobilization programs to determine the exact costs for readiness and whether the proper level of readiness has been achieved. Selective Service needs only to be as ready and capable as is necessary to fulfill its responsibilities. With the foregoing accomplished, justification for survival of the Agency and its missions would be self-evident.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the Selective Service System?

Answer. I believe they are two: eroding public awareness of the Federal registration requirement and an essentially no-growth budget. I am sensitive to the fact that the public awareness task is never completed because another 5,000 young men turn 18 years old every day in the U.S.

Question. What plans do you have for addressing these challenges?

Answer. One of my first actions would be to spend about 60 days assessing the structure and organization of the System. Given the sizeable Agency investment in information technology over several years, Selective Service need not operate as it did coming out of deep standby in 1980. Through a smarter realignment of programs and people, and capitalizing upon automation already in place, the resources should be available for reprogramming in sync with priorities that I will identify, especially awareness of the registration requirement.

MILITARY PERSONNEL AND THE SELECTIVE SERVICE SYSTEM

Question. The Selective Service System relies on military members, from both the active and Reserve components, to accomplish its mission. For example, about 450 National Guardsmen and reservists fulfill their military training obligations with the Selective Service System.

Please describe the current military manpower requirements of the Selective Service System and any initiatives taken by the Department of Defense and each of the Services to lower the number of uniformed military personnel who support the Selective Service System.

Answer. Over the years, OSD and the military services have been most cooperative in satisfying the Agency's military requirements, and working with them, Selective Service has reduced its uniform assets. Since the mid-1990s, SSS has continuously realigned and updated those requirements. So the Agency now has assigned only two full-time active duty officers vice the previous 19; 400 part-time National Guard and Reserve officers instead of 750; and a cut in field grade positions of about 22 percent.

Question. To your knowledge, have there been proposals to substitute civilian positions for active duty or Reserve component personnel and what are your views about such an initiative?

Answer. Yes, SSS has proposed replacing higher cost active duty positions with civilians. Although there has been a reduction in active duty officers, there has not been a one-for-one replacement with civilians. Further, the Agency has never sought replacements for its declining number of part-time Reserve component personnel. Declining military personnel have been compensated for by applying more automation, changing policies, reshaping the organization, and through staff training. These approaches have worked and the Agency is doing more with less, so there is no need to add more employees.

Question. What are your personal views about the requirement for military personnel to operate and manage the Selective Service System?

Answer. While there is a benefit from military representation in the Agency, and we have this with our part-time National Guard and Reserve officers, Congress created Selective Service to be the independent, civilian buffer between the end user of conscripts, the DOD, and American society. This approach has been working for over 63 years. But I do not believe that it is appropriate for military personnel to occupy decisionmaking positions; these ought to be civilian.

COORDINATION WITH SECONDARY SCHOOLS

Question. Former Director Alfred Rascon stated that the Selective Service System had to overcome two major hurdles when reaching out to young men: "ignorance of the law and apathy toward responsibility." The Selective Service System has cultivated ties with organizations representing secondary school principals and counselors and community organizations in an effort to ensure knowledge of the requirements of law and voluntary compliance.

If confirmed, what actions would you take to overcome the obstacles identified by Mr. Rascon?

Answer. My background is communications and building partnerships with various audiences. I believe that an aggressive public awareness program, coupled with outreach to those groups which influence and touch young men—both educational and others, is the way to dispell ignorance and address youthful apathy.

Question. What Selective Service programs exist to inform and influence parents, teachers, and other organizations regarding the requirement to register with the Selective Service System, and how widespread are these programs?

Answer. SSS is already outreaching to influencers, schools, young men themselves, and other groups. Some are national in scope, such as radio Public Service Announcements to all the major media markets, high school kits to volunteer Selective Service registrars in 25,000 schools, and professional associations which deal with youth: National Association of Secondary School Principals, National School Boards Association, American Association of Collegiate Registrars and Admissions Officers, and the National Association of Financial Aid Administrators. Examples of national influencer groups include: The League of United Latin American Citizens, National Urban League, Organization of Chinese Americans, and the National Congress of American Indians. Additionally, several programs focus on local or regional communities, such as YMCAs, local ethnic media, immigration services organizations, and others. These local efforts are targeted in areas of low registration compliance. Finally Selective Service has an extensive network of 10,000 civilian Board Members who are ambassadors for our programs in virtually every county across America.

Question. What is your understanding of the level of voluntary participation by secondary schools in assisting the Selective Service in achieving compliance by male students?

Answer. The Nation's secondary schools are supportive. The Selective Service registrars in 25,000 high schools are volunteer staff or faculty members who distribute SSS awareness materials, approach the young man directly to register, and send him to the library to register on the Internet at www.sss.gov. Today, SSS has 86 percent of the Nation's high schools participating with registrars.

Question. If confirmed, would you recommend imposing legal obligations on school systems that received Federal funding to assist in overcoming ignorance of the law and apathy toward compliance?

Answer. There is no doubt that this legal mandate would foster greater registrations, however, it might be perceived as "Big Brother" being too heavy handed. I believe that the programs already in place at SSS are working; the registration compliance rate is moving upward and at the end of calendar year 2002 it was 91 percent. This number can only be improved upon as more and more States adopt driver's license legislation supporting the Federal registration law. But registration awareness remains a challenge and has to be worked daily. This is one of my priorities.

ASSISTANCE TO MILITARY RECRUITING

Question. The Selective Service System has assisted in military recruiting by placing rotational recruiting messages for the active and Reserve components on registration acknowledgment cards mailed to more than 38,000 men each week.

How effective has the Selective Service System's recruiting effort been?

Answer. The Department of Defense is pleased with this Selective Service partnership which provides information about military opportunities available in all the active and Reserve components. One very big selling point is the fact that SSS names and addresses are the most accurate to be found anywhere because they are

recently submitted by the men themselves. Therefore, there is no wasted postage to contact them. The satisfaction of DOD is expressed by its replacement of the joint program previously handled by OSD with the SSS mailing.

Question. What are your views and recommendations about additional methods the Selective Service System might use in assisting in recruiting efforts?

Answer. Conceptually, there are additional ways that SSS might aid in this area. For example, if reenlistment rates or enlistments themselves fall in the Reserve components as a result of many protracted deployments, SSS might draft exclusively for them. A variation of this could be a National Guard and Reserve draft, in which the military person completes his basic and advanced training on active duty, then performs a full-time homeland security mission in the U.S. for a period of time, followed by a part-time assignment in a Guard or Reserve unit. Finally, a special skills draft might be necessary for the Armed Forces if volunteers prove too few. I am sure that there are other ways for SSS to contribute in support of our all-volunteer military.

Question. What are your views and recommendations about initiatives the Department of Defense might implement to assist the Selective Service System in achieving higher compliance rates?

Answer. I cannot think of anything additional that DOD might do for us to achieve higher registration compliance. The Department already provides us its commercially-developed recruiting list. We bounce it against our registration database and if a name isn't there, SSS contacts the man to solicit his registration. Additionally, each Service ensures a new recruit is registered with Selective Service as he processes into the military. So Defense is helping us out currently.

STATE BY STATE COMPLIANCE

Question. For several years, the Selective Service System has issued "report cards" by State measuring the percentage of eligible men turning 20 who have registered in accordance with the law.

What programs and requirements used by States have proven most influential in achieving above average compliance rates?

Answer. The two most successful programs at the State level which foster registration compliance are State driver's license legislation and laws which parallel the Federal Solomon and Thurmond amendments. Driver's license legislation links a driver's permit, license, license renewal, and State ID card to registering by means of the license application or submitting one's Selective Service number. We now have 32 States, two territories, and the District of Columbia participating. This is a wonderful source of registrations because every young man wants a license as soon as he can get it. The other great source of registrations is a State law which links a man's eligibility for State-funded higher education benefits and State jobs to the Federal registration requirement. To date, 36 States and territories have enacted these laws.

Question. What recommendations for legislation, if any, or for new programs at both the Federal and State level do you have for increasing compliance levels nationwide?

Answer. At the Federal level, there really isn't a need for new or additional legislation. However, we hope that at the State level driver's license legislation might eventually include all 50 States and every U.S. territory.

Question. In your view, is the current budget of the Selective Service System sufficient to prevent declines in compliance rates?

Answer. I think that SSS has proven that its current initiatives are improving the challenges to compliance. However, what I am concerned about is an essentially straight-lined budget which precludes applying those public awareness initiatives, technology, and staffing changes necessary to conduct business smarter and more effectively.

INCENTIVES TO INDIVIDUALS FOR COMPLIANCE

Question. Selective Service registration currently is a requirement for a number of opportunities, including Federal student loans, job training, employment, and U.S. citizenship.

Are there any additional incentives that you consider appropriate to encourage more young men to register in a timely manner?

Answer. Thanks to Congress and most State legislatures, I believe that SSS has the bases covered. From its point of view, the one that needs to be expanded, the one that is the most productive source of registrations, is driver's license legislation. But this is totally dependent upon the wishes of States that have not yet enacted such legislation.

PERFORMANCE OF THE SELECTIVE SERVICE SYSTEM

Question. In his responses to questions submitted by the committee in May 2001, former Director Rascon indicated that the accuracy of the address information of Selective Service registrants is good because of measures for voluntary submission of changes and through reliance on the U.S. Postal Service's National Change of Address system.

What is your estimate of the current accuracy of the address information of Selective Service registrants in the prime induction group?

Answer. It is highly accurate because Selective Service employs the same program as the U.S. Postal Service—the National Change of Address System. In addition, this program is supplemented with changes provided by the registrant himself from our acknowledgment mailing to him at his residence, through changes a registrant mails using a card at any Post Office, from changes he provides by telephone, and with address updates he supplies on the Internet. Actual mailings average over a 98.5 percent successful contact rate, so our procedures are working.

Question. What additional steps is the Selective Service System taking to ensure the accuracy of address information?

Answer. SSS is continuing the successful Postal Service system, has printed on the outside of all its cards and envelopes the postal endorsement for address corrections to ensure notification to the agency, and practices internal controls to guarantee that address changes from a registrant are posted to his file immediately and accurately.

MILITARY CONSCRIPTION

Question. The demands placed on our military forces fighting the war on terror have led to calls by some to reinstate the draft. Legislative proposals have been introduced in the Senate and the House of Representatives that would require all young men and women in the United States to perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security.

What are your views on reinstating the draft to support the war on terror?

Answer. I see Selective Service as a service organization and, as such, it does not make policy; it responds to and implements policy. Policymaking is the realm of this committee and the administration. It would be my job to lead the agency in conducting a timely, fair, and equitable draft if Congress and the President so direct. It would not be within my purview to determine when and if such a draft is necessary.

Question. In your opinion, should women be subject to the draft if it is reinstated?

Answer. Since the founding of the Nation, the U.S. has never drafted women. To do so would require congressional and presidential policy and lawmaking decisions. Personally, I see no pressing need to do so. The primary customer, the DOD, has taken the position that there is no "military necessity" to register, let alone, draft females, especially since a general draft would be intended to replace combat casualties. As a matter of longstanding policy, the Nation continues to exclude women from front-line, ground combat assignments.

Question. Are there any circumstances under which you would recommend reinstating the draft? If so, what are these circumstances?

Answer. It would be my job to lead the agency in conducting a timely, fair, and equitable draft if Congress and the President so direct. It would not be within my purview to determine when and if such a draft is necessary. But I can speculate that the Nation's policymakers might consider a draft if confronted with very serious threats from a hostile adversary or group of adversaries, or if a conflict was to be protracted over several years and volunteers were too few, or if there appeared to be no other solution to filling critical skills vacancies in the Armed Forces.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Absolutely. I see it as a matter of integrity and principle that the Agency Head be the facilitator between Selective Service and the Congress in an ongoing dialogue. I've mentioned public awareness of the registration requirement, but the other type of awareness is Agency awareness by the oversight committees. This can only be achieved if I am responsive; I intend to be responsive.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. If the committee desires the personal views of Bill Chatfield, it just has to ask.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Director, Selective Service System?

Answer. If confirmed, I envision my job as director to be the lead in the exchange of information between the committee and the Selective Service System. Selective Service is a public agency doing the public's business. It can only retain its program credibility if what it does is open to public view and this means Congress.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. I assure you that, if confirmed, I and Selective Service will continue to be forthright and responsive in any communications to or from a committee.

[The nomination reference of William A. Chatfield follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 3, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

William A. Chatfield, of Texas, to be Director of Selective Service, vice Alfred Rascon, resigned.

[The biographical sketch of William A. Chatfield, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF WILLIAM A. CHATFIELD

Mr. Chatfield, of Texas, has more than 25 years of experience working with the executive and legislative branches of the Federal Government.

He commenced public service with the doorkeeper of the U.S. House of Representatives from 1978 through 1979, and performed in several appointed positions of increasing responsibility from 1980 through 1987 in the Reagan administration. He served on the staff of the Deputy Under Secretary for Policy at the Department of Defense; as Regional Director of the Civil Aeronautics Board; Special Assistant to the Director, Office of Personnel Management; Assistant to the Chairman of the Consumer Product Safety Commission; Special Assistant for Congressional Liaison in the Department of the Interior; and, Staff Advisor to the Commissioner at the Interstate Commerce Commission.

Since 1987, he has engaged in governmental affairs consulting. In 1989, he and former Congressman Tom Kindness established Kindness & Chatfield Associates, a government relations and public affairs consulting firm.

He attended Union College, majoring in political science and criminal justice, and continued studies at American University. During his active duty with the U.S. Marine Corps, he was an intelligence analyst. Currently, he is an officer in the U.S. Marine Corps Reserve.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by William A. Chatfield in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

William Austin Chatfield.

2. **Position to which nominated:**

Director, Selective Service System.

3. **Date of nomination:**

September 3, 2003.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

July 14, 1951; Catskill, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Cynthia Lynn Garza Chatfield.

7. **Names and ages of children:**

None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Union College, Cranford, NJ; 1973-1975.

American University, Washington, DC; 1979-1980.

No degree received.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Kindness & Chatfield Associates; Partner; government relations consulting; Washington, DC; 1989-present.

SKC & Associates; Associate; government relations consulting; Washington, DC; 1987-1989.

Reagan administration: Politically Appointive Positions:

Department of Defense, staff of the Deputy Under Secretary for Policy, Washington, DC, 1981-1982.

Civil Aeronautics Board, Regional Director, Dallas/Fort Worth, TX, 1982-1984.

Reagan-Bush 1984 Campaign, Regional Field Director, Rocky Mountain Region, Phoenix, AZ, 1984.

Office of Personnel Management, Special Assistant to the Director, Washington, DC, 1985.

Consumer Product Safety Commission, Assistant to the Director, Washington, DC, 1985-1986.

Department of the Interior, Special Assistant for Congressional Liaison, Washington, DC, 1986.

Interstate Commerce Commission, Staff Advisor to the Commissioner, Washington, DC, 1986–1987.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None other than those above.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Consultant to:

Department of Defense, Office of the Assistant Secretary of Defense for Reserve Affairs, Employer Support of the Guard and Reserve.

NVE, Inc., Andover, NJ; nutritional supplement manufacturer.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

The Capitol Hill Club, Washington, DC; membership only.

The Army & Navy Club, Washington, DC; membership only.

The Reserve Officers Association, Washington, DC; membership only.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

None.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

None.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

WILLIAM AUSTIN CHATFIELD.

This 26th day of September, 2003.

[The nomination of William A. Chatfield was reported to the Senate by Chairman Warner on May 12, 2004, with the recommenda-

tion that the nomination be confirmed. The nomination was confirmed by the Senate on November 21, 2004.]

TO CONSIDER THE NOMINATIONS OF FRANCIS J. HARVEY TO BE ASSISTANT SECRETARY OF DEFENSE FOR NETWORKS AND INFORMATION INTEGRATION; LAWRENCE T. DI RITA TO BE ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS; AND CERTAIN OTHER PENDING MILITARY NOMINATIONS

WEDNESDAY, FEBRUARY 4, 2004

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to recess, in executive session at 10:27 a.m. in room HR-2118, Rayburn House Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Roberts, Sessions, Collins, Ensign, Talent, Chambliss, Graham, Dole, Cornyn, Levin, Kennedy, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Dayton, Bayh, Clinton, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; Marie Fabrizio Dickinson, chief clerk; Cindy Pearson, assistant chief clerk and security manager; and Leah Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; L. David Cherington, counsel; Regina A. Dubey, research assistant; Brian R. Green, professional staff member; William C. Greenwalt, professional staff member; Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Elaine A. McCusker, professional staff member; Lucian L. Niemeyer, professional staff member; Lynn F. Rusten, professional staff member; Joseph T. Sixeas, professional staff member; Scott W. Stucky, general counsel; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Daniel J. Cox, Jr., professional staff member; Madelyn R. Creedon, minority counsel; Gabriella Eisen, research assistant; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Jeremy L. Hekhuis, professional staff member; Maren R. Leed, professional staff member; Gerald J. Leeling,

minority counsel; Peter K. Levine, minority counsel; and Bridget M. Whalan, special assistant.

Staff assistants present: Michael N. Berger, Andrew W. Florell, and Sara R. Mareno.

Committee members' assistants present: Christopher J. Paul and Pablo Corello, assistants to Senator McCain; Arch Galloway II, assistant to Senator Sessions; James P. Dohoney, Jr. and Derek Maurer, assistants to Senator Collins; Pam Thiessen, assistant to Senator Ensign; Lindsey R. Neas, assistant to Senator Talent; Clyde Taylor IV, assistant to Senator Chambliss; Aleix Jarvis and Meredith Moseley, assistants to Senator Graham; Christine O. Hill, assistant to Senator Dole; Russell J. Thomasson, assistant to Senator Cornyn; Sharon L. Waxman and Mieke Y. Eoyang, assistants to Senator Kennedy; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator E. Benjamin Nelson; Todd Rosenblum, assistant to Senator Bayh; Andrew Shapiro, assistant to Senator Clinton; and Terri Glaze, assistant to Senator Pryor.

Chairman WARNER. First, I move that the committee favorably report out the nomination of Dr. Francis Harvey to be Assistant Secretary of Defense for Networks and Information Integration. Is there a second?

Senator LEVIN. Second.

Chairman WARNER. All in favor say aye. [A chorus of ayes.]

Opposed? [No response.]

The ayes have it.

Next I move that the committee favorably report out the nomination of Lawrence Di Rita to be Assistant Secretary of Defense for Public Affairs. Is there a second?

Senator LEVIN. Second.

Chairman WARNER. All in favor say aye. [A chorus of ayes.]

Opposed? [A single nay.]

I note one Senator indicated his opposition. The ayes have it.

Finally, I move the committee favorably report out 438 military nominations. These nominations have been in committee for the requisite period of time, involve no adverse information, and are appropriate for consideration by the committee.

Is there a second?

Senator LEVIN. Second.

Chairman WARNER. All in favor say aye. [A chorus of ayes.]

Those opposed? [No response.]

The ayes have it.

I thank my colleagues.

[The list of nominations considered and approved by the committee follows:]

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON FEBRUARY 4, 2004.

1. In the Army there are three appointments to the grade of major general (list begins with Brigadier General Lloyd J. Austin III, USA) (Reference N. 626).
2. In the Army there are 79 appointments to the grade of major and below (list begins with Constance A. Bell) (Reference No. 1181).
3. Colonel George T. Lynn, ANG to be brigadier general (Reference No. 1221).

4. In the Army Reserve there are two appointments to the grade of major general and below (list begins with BGEN Conrad W. Ponder, Jr., USAR) (Reference No. 1222).

5. Rear Admiral (Selectee) Albert M. Calland III, USN to be vice admiral and for assignment as Associate Director of Central Intelligence for Military Support, CIA (Reference No. 1224).

6. Rear Admiral James D. McArthur, Jr., USN to be vice admiral and for assignment as Commander, Naval Network Warfare Center (Reference No. 1225).

7. In the Army there is one appointment to the grade of colonel (Margot Krauss) (Reference No. 1226).

8. In the Army there are 20 appointments to the grade of colonel (list begins with Mark S. Ackerman) (Reference No. 1227).

9. In the Army there is one appointment to the grade of lieutenant colonel (Timothy G. Wright) (Reference No. 1228).

10. In the Army there are six appointments to the grade of lieutenant colonel (list begins with Ida F. Agamy) (Reference No. 1229).

11. In the Army there is one appointment to the grade of major (David J. King, Jr.) (Reference No. 1230).

12. In the Army there are two appointments to the grade of major (list begins with Michael G. Gray) (Reference No. 1231).

13. In the Army there are two appointments to the grade of major (list begins with Terry R. Moren) (Reference No. 1232).

14. In the Navy there is one appointment to the grade of commander (Todd E. Bailey) (Reference No. 1234).

15. In the Navy there are four appointments to the grade of commander (list begins with Jennifer R. Flather) (Reference No. 1235).

16. In the Navy there are 31 appointments to the grade of commander and below (list begins with Wing Leong) (Reference No. 1236).

17. In the Air Force Reserve there is one appointment to the grade of colonel (Vincent T. Jones) (Reference No. 1240).

18. In the Air Force Reserve there is one appointment to the grade of colonel (Richard H. Villa) (Reference No. 1241).

19. In the Air Force Reserve there are seven appointments to the grade of colonel (list begins with Robert J. Bernard) (Reference No. 1242).

20. In the Air Force Reserve there is one appointment to the grade of colonel (Harris H. Brooks) (Reference No. 1243).

21. In the Air Force Reserve there are seven appointments to the grade of colonel (list begins with Paula C. Gould) (Reference No. 1244).

22. In the Air Force Reserve there are 203 appointments to the grade of colonel (list begins with Jeffrey S. Alderfer) (Reference No. 1245).

23. In the Air Force Reserve there are 21 appointments to the grade of major general and below (list begins with BGEN Richard W. Ash, ANG) (Reference No. 1246).

24. In the Air Force Reserve there are 20 appointments to the grade of major general and below (list begins with BGEN Robert E. Duignan, USAFR) (Reference No. 1247).

25. In the Army there is one appointment to the grade of major (Amy E. Preen) (Reference No. 1255).

26. In the Navy there are 20 appointments to the grade of lieutenant commander (list begins with Jonathan Q. Adams) (Reference No. 1258).

Total: 438.

[The nomination reference of Francis J. Harvey follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 15, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Francis J. Harvey of California, to be Secretary of the Army, vice Thomas E. White, resigned.

[The nomination reference of Lawrence T. Di Rita follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 21, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Lawrence T. Di Rita of Michigan, to be an Assistant Secretary of Defense, vice Victoria Clarke.

[Whereupon, at 10:29 a.m., the executive session was adjourned and the committee proceeded to other business.]

**NOMINATIONS OF TINA WESTBY JONAS TO
BE UNDER SECRETARY OF DEFENSE
(COMPTROLLER); DIONEL M. AVILES TO BE
UNDER SECRETARY OF THE NAVY; AND
JERALD S. PAUL TO BE PRINCIPAL DEPUTY
ADMINISTRATOR, NATIONAL NUCLEAR SE-
CURITY ADMINISTRATION**

TUESDAY, APRIL 27, 2004

U.S.SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:32 a.m., in room SR-222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Allard, Levin, Akaka, Bill Nelson, and Pryor.

Committee staff member present: Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; L. David Cherington, counsel; Brian R. Green, professional staff member; William C. Greenwalt, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Lynn F. Rusten, professional staff member; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority Staff members present: Richard D. DeBobes, Democratic staff director; Madelyn R. Creedon, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, professional staff member; Peter K. Levine, minority counsel; and Michael J. McCord, professional staff member.

Staff assistant present: Nicholas W. West

Committee members' assistants present: Lance Landry, assistant to Senator Allard; Davelyn Noelani Kalipi, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; and Terri Glaze, assistant to Senator Pryor.

**OPENING STATEMENT OF SENATOR JOHN WARNER,
CHAIRMAN**

Chairman WARNER. The hearing will get underway. I will soon be joined by Senator Levin but this is a big day for all of you and in a way it is an interesting day for me. I am going to have to leave early to go over with former Senator Bob Dole and four other cur-

rent Senators to the new World War II Memorial. There are five of us here in the Senate who served in World War II and we are going to have our picture taken, five survivors at the opening of the new memorial which will officially be dedicated on Memorial Day, but we are going over today. So I am going to get underway with my statement.

We are very pleased on the committee, to have each of you here today and your families. Ms. Jonas has been nominated to be the Under Secretary of Defense, Comptroller; Mr. Aviles has been nominated to be the Under Secretary of the Navy; and Mr. Paul has been nominated to be the Principal Deputy Administrator of the National Nuclear Security Administration (NNSA).

It is very important that the families have joined us this morning. I have tucked away in my memorabilia records of when I was before this committee in February 1969, during the war in Vietnam, seeking at that time the post of Under Secretary of the Navy. So, I take a special interest in that post. I remember that I had my family in the room at that time and three little squirming children. We have a couple of children here this morning, but they are very quiet. Family support is critical to the success and the ability of each of you to perform your tasks. So we thank you for bringing them this morning so they can witness a very significant day in your life. Senator Nelson will soon be joining us, and he will be introducing Mr. Paul.

Now, Ms. Jonas comes highly qualified for the position of Under Secretary of Defense, Comptroller. She is presently the Chief Financial Officer and Assistant Director of the Finance Division for the Federal Bureau of Investigation (FBI), where she has served since August 2002. Prior to her FBI service she worked in the Department of Defense (DOD) as the Deputy Under Secretary of Defense for Financial Management. In that capacity she was a principal advisor to Dr. Zakheim and other senior DOD officials in matters relating to accounting, financial reform, and fiscal matters. Ms. Jonas also has significant experience in Congress, having served from 1995 to 2001 as a staff member for the Subcommittee on Defense for the House Committee on Appropriations. We welcome you and your husband this morning.

Ms. JONAS. Thank you.

Chairman WARNER. Mr. Aviles has been nominated to be the Under Secretary of the Navy; he is currently the Assistant Secretary of the Navy for Financial Management and Comptroller. As the committee noted at its earlier confirmation hearing, Mr. Aviles brought legislative executive branch experience to this position. He served from 1991 to 1995 with the Office of Management and Budget (OMB) as a budget examiner, with responsibility over Navy procurement and research and development programs, and from 1995 to 2001 as a professional staff member on the House Armed Services Committee. He is a graduate of the United States Naval Academy and a qualified surface warfare officer, holding the rank of Commander of the United States Naval Reserve. We congratulate you on your nomination.

Mr. Paul has been nominated for the position of Principal Deputy Administrator of the National Nuclear Security Administration (NNSA). This is a position created by Congress, and largely it was

crafted here in this very room which you are sitting in today. We put it together to assist the Administrator in coordinating and overseeing day-to-day operations and management. Mr. Paul is currently in his third term as a member of the Florida House of Representatives where he serves on the Committee on Appropriations, Energy, Natural Resources, and Business Regulations and chairs the Subcommittee on Environmental Regulation.

He was appointed by Secretary Abraham to serve on the Nuclear Energy Research Advisory Committee, an independent panel that provides the Department of Energy (DOE) with advice on the direction of the nuclear program. He is a graduate of the Maine Maritime Academy and upon graduation, accepted a commission in the Naval Reserve as a special engineering officer where he served until his honorable discharge in 1997.

Our nominees have a wealth of experience and each of them will excel in the position for which they have been nominated. We thank them for their willingness to serve and their families for their support.

I'd like to have you first introduce your family members. Ms. Jonas if you'd introduce your husband.

Ms. JONAS. Mr. Chairman, I have with me today my husband, David, who retired from the Marine Corps in 2001, and my brother Todd and his son, Morgan.

Chairman WARNER. We welcome all of you. Thank you. Mr. Aviles.

Mr. AVILES. Thank you, Mr. Chairman. I'd like to introduce my wife Kimberly, my son Thomas, and my mother-in-law Arlene Chandler.

Chairman WARNER. Welcome. Thank you. Mr. Paul.

Mr. PAUL. Thank you, Mr. Chairman. With me this morning is my father, Tom Paul, and my mother, Pat Paul, to my right. Immediately behind me to my left is my sister, Linda; my wife Kristina, my sister Sharon, and my brother, Mike, and his wife Pam with the second of the two young ones you mentioned earlier, newly born, Josiah.

Chairman WARNER. Did I miss one? Where is he? Could he stand to be recognized? [Laughter.]

Senator LEVIN. First baby I've seen you miss, Mr. Chairman.

Chairman WARNER. Is it Josiah? We're going to count on him to make a little bit of noise here this morning.

Mr. PAUL. Why not?

Chairman WARNER. Are you sure there is somebody in that car? Oh, look, there he is.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Thank you, Mr. Chairman. Let me join you in welcoming our witnesses and their families to the Armed Services Committee. We all know that senior government officials work long and hard hours often for less pay than they can get in the private sector. We also know that none of our nominees will be able to serve in these positions without the support of their families. We thank their families, in advance, for the support that they will provide to our nominees.

Our three nominees have already shown their dedication to public service. They are well-qualified for these positions. Ms. Jonas has worked in the executive and legislative branches of the Federal Government for almost 20 years, most recently as the Chief Financial Officer of the FBI and the Deputy Under Secretary of Defense for Financial Management.

Mr. Aviles has served the Federal Government as a military officer and as a civilian since his graduation from the United States Naval Academy in 1983. Most recently, Mr. Aviles has served as the Assistant Secretary of the Navy for Financial Management.

Both Ms. Jonas and Mr. Aviles served on the House staff from 1995 until 2001, I believe. Ms. Jonas with the House Appropriations Committee and Mr. Aviles with the House Armed Services Committee. That should not disqualify them. Just don't tell our House colleagues—we want them to worry a little bit about this.

Finally, Mr. Paul has been member of the Florida House of Representatives for the last 2 years and serves as a member of Secretary Abraham's Nuclear Energy Research Advisory Committee.

We look forward to their testimony and their responses to our questions. I believe that Senator Nelson is on his way here to introduce one of our nominees.

Chairman WARNER. That is correct.

Senator LEVIN. Also, Mr. Chairman, Senator Akaka has to leave fairly shortly. If we could take him out of order at the appropriate time so he can ask his questions. I would appreciate it.

Chairman WARNER. We certainly will. Senator Inhofe, do you have an opening statement?

Senator INHOFE. No, thank you.

Chairman WARNER. Senator Pryor, would you like to say a few words?

Senator PRYOR. No, thank you.

Chairman WARNER. First, I would like to ask some standard questions. Each of the witnesses has been asked the standard questions propounded by this committee for some years, although, in consultation with Mr. Levin, I think we quite properly modified one of the questions, so we are going to change that question, I wish to advise my colleagues. So I am going to ask these questions, and if you will, acknowledge the answers. I want them formally put in the record.

Have each of you adhered to the applicable laws and regulations governing conflicts of interest?

Ms. JONAS. Yes.

Mr. AVILES. Yes, sir.

Mr. PAUL. Yes, sir.

Chairman WARNER. Good. Thank you. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Ms. JONAS. No.

Mr. AVILES. No, sir.

Mr. PAUL. No, sir.

Chairman WARNER. Will you ensure that your staff complies with the deadlines established for requested communications, including questions for the record in hearings?

Ms. JONAS. Yes, sir.

Mr. AVILES. Yes, sir.

Mr. PAUL. Yes, sir.

Chairman WARNER. Will you cooperate and provide any witnesses and briefers in response to congressional requests?

Ms. JONAS. Yes, sir.

Mr. AVILES. Yes, sir.

Mr. PAUL. Yes, sir.

Chairman WARNER. Will those witnesses that you provide for this committee be protected from reprisal for their testimony before Congress?

Ms. JONAS. Yes, sir.

Mr. AVILES. Yes, sir.

Mr. PAUL. Yes, sir.

Chairman WARNER. Thank you. Do you agree, when asked before any duly constituted committee of Congress, to give your personal views even if those views were different from the administration in power?

Ms. JONAS. Yes, sir.

Mr. AVILES. Yes, sir. I would need to modify that slightly. As an administration official, to the extent that my personal views would differ from those of the President, I do not believe that it would be appropriate for me to continue to serve in that administration.

Chairman WARNER. Well then, you would make that known prior to coming before Congress?

Mr. AVILES. Yes, sir. I understand that this is a standard question for military officers, and the only appropriate response from a military officer is yes. But as an administration official, my personal views should be consistent with the administration, or I should resign my position in the administration.

Senator LEVIN. That's a pretty high standard you are setting for yourself.

Chairman WARNER. Very high, yes.

Senator LEVIN. Everybody has personal views from time to time and may differ on some—

Mr. AVILES. Yes, sir. I guess, Senator Levin, where I'm going with that is that we have a longstanding tradition of a military officer providing his personal views, his personal professional opinion when solicited by the committee. There are times in any administration when you would be expected to represent the administration position above your own personal views.

Chairman WARNER. Well I see your point, and we will reflect on it. Senator Levin and I have been here on this committee now for 25 years and this is the first time—

Senator LEVIN. Can I ask the chairman to yield just on that point?

Chairman WARNER. Yes.

Senator LEVIN. That has been an issue which the chairman and I have discussed as to whether this question indeed should be asked of political appointees of the administration. I admire you, Mr. Aviles, for your response, and I would think we should continue our dialogue as to whether this particular question is an appropriate one for political appointees. I think you've dramatized and symbolized why that discussion between the chairman and my-

self should continue. It does create a problem for political appointees, I think we should take his answer with respect.

Senator INHOFE. Can you ask the question one more time?

Chairman WARNER. No, I think we've got it pretty well in mind.

Senator INHOFE. No, I mean ask the question that they are responding to if you don't mind.

Chairman WARNER. Well I think each of them have responded to it. I think the record is clear.

Senator INHOFE. No, that's not my point, Mr. Chairman.

Chairman WARNER. What is your point? Kindly speak into the mike.

Senator INHOFE. For my benefit, would you re-ask the questions they are responding to?

Chairman WARNER. All right.

Senator INHOFE. Never mind. Here it is. Okay.

Chairman WARNER. Do you agree when asked before any duly constituted committee of Congress to give your personal views even if those views differ from the administration in power? Your response, Mr. Aviles, was duly noted. In my judgment, I do not think it will impair in any way the review of the committee of your qualifications to the office to which you've been designated by the President. We will reflect on it further.

Mr. AVILES. Thank you, Mr. Chairman.

Chairman WARNER. I have one more question. We also have added, Mr. Inhofe, this question. You might want to read it. I wrote it last night. We have to review these situations on an ad hoc basis. The final question is as follows: Do you agree to provide documents, including copies of electronic forms of communications, in a timely manner when requested by a duly constituted committee of Congress, or to consult with the committee regarding the basis for any good faith issues that arise in providing such document?

Now we have before us the Supreme Court case which is going to look into some matters regarding executive privilege. This is a subject that is being discussed widely here in Congress. Our committee has several requests from the Department of Defense. Senator Levin and I have been working on those requests. I think at this point in time I will repeat the question so that each of you understands it, and then hopefully you can acknowledge that you will do as the question requests.

Do you agree to provide documents, including copies of electronic forms of communication in a timely manner when requested by a duly constituted committee of Congress or to consult with the committee regarding the basis for any good faith issues that arise in providing such documents?

Ms. JONAS. Senator, I would certainly do what I could to cooperate fully with the committee.

Chairman WARNER. Correct.

Ms. JONAS. Yes.

Mr. AVILES. Yes, sir, to the best of my ability.

Chairman WARNER. Fine.

Mr. PAUL. Yes, sir.

Chairman WARNER. Good.

Senator LEVIN. Let me commend the chairman if I could for the drafting of the question. It's an important issue in terms of legisla-

tive/executive relations. There's a provision here for good faith problems that exist. There's an executive privilege that the President may want to assert, and that's his right. But subject to that kind of an exception, I think any committee of Congress would expect the documents that are requested would be provided.

We appreciate their three answers, and I also appreciate the chairman's taking on this task of phrasing a question in this way, trying to protect the rights of the legislative branch but in a way which also protects the executive privilege assertion if the President seeks to make it.

Chairman WARNER. All right. Thank you very much. We will now receive any opening statements that the witnesses wish to make. Ms. Jonas?

Ms. JONAS. Mr. Chairman, Senator Levin, members of the committee.

Chairman WARNER. Oh, excuse me. I beg your pardon. Senator Nelson, you wish to make an introduction, and also I think Senator Akaka desires to ask a question or two because he has to depart.

Senator AKAKA. Thank you very much, Mr. Chairman, and thank you, Senator Levin, for giving me this opportunity. I want to add my welcome to the witnesses, also to the families and friends of our witnesses who are here today, and it's good to have young members of the families here with us this morning.

I have one question for Ms. Jonas. I want to thank you very much for visiting with me and also Mr. Aviles. I'm wondering Ms. Jonas about some of the technical aspects of the budgeting process. Specifically, can you tell me what the impact is of having a program or initiative in operation and maintenance accounts that does not have a specific program element or other funding mechanisms?

As I understand it, if funding for a particular program or initiative is instead embedded in the Services own budgets, it becomes extremely difficult to track. It's hard to tell how much money is actually allocated for that initiative, what has been spent, and what is programmed to be spent in the future. My question to you is, is that the case as you understand it?

Ms. JONAS. Well, Senator, I've been away from the Department almost a couple of years, so I'm not sure what their current practice is. But I would certainly, should I be confirmed, make sure there is transparency and clarity with the purpose for which funds have been provided by Congress.

Senator AKAKA. I thank you very much for your response. I have for a number of years tried to get the Department to focus on the critical issue of corrosion prevention and the need to centralize corrosion policy oversight and information sharing among all the many elements of the services that address pieces of this issue.

In the National Defense Authorization Act for Fiscal Year 2003, we created an office responsible for this oversight, and the new Office of Corrosion Policy has since been established. As I understand it, however, the Office of the Comptroller has resisted the Office's attempts to become institutionalized and has rejected efforts to establish a clear consistent out-year funding stream. I think this is inconsistent with the intent of the law and the wrong message to send. It has been well demonstrated that corrosion prevention can

result not only in significant cost avoidance, but also increase revenues and lessen maintenance work for our service men and women.

I want to express my disappointment with the comptroller's position on this issue. I intend to take action—in this year's authorization act to ensure the DOD is fully compliant with the letter and intent of our 2003 legislation. I want to ask you, Ms. Jonas, to look into this issue specifically when you return to the Office of the Secretary of Defense (OSD). I wish you well, and you certainly have my support. Thank you very much.

Thank you very much, Mr. Chairman.

Ms. JONAS. Thank you, Senator. I will look into it.

Senator BILL NELSON. Mr. Chairman?

Chairman WARNER. Senator Nelson.

Senator BILL NELSON. Thank you for the courtesy of letting me introduce a fellow Floridian, Jerry Paul.

Chairman WARNER. Who has a very impressive record of accomplishment, I note.

Senator BILL NELSON. Indeed. I will chronicle that in just a moment. He clearly has the technical experience and the background to make him well qualified for this position of Principal Deputy Administrator, National Nuclear Security Administration at DOE.

He has a very diverse background both in and outside of the Navy, and that is a combination that suits this particular position. Right now he serves in the Florida House of Representatives, and he is well regarded as thoughtful and capable. He is the only member of the Florida House right now who simultaneously chairs two subcommittees. Because of his naval and his nuclear background, Jerry is recognized for his expertise in the Florida House of Representatives on public security, focusing on those kind of policy issues having to do with what the State looks at in critical infrastructure on nuclear power plants, pipelines, electric grid systems, and seaports, which is something that we have talked about quite a bit in this committee, and you've heard it from me ad nauseam because of Florida having 14 deep water seaports.

Well, it's my understanding that you have already introduced the family; his wife Kristy, his mother and father, Tom and Patricia, his sisters from Ohio and Texas, and his brother from Ohio. So, Mr. Chairman it's been a pleasure for me to come and bring to you a fellow Floridian. I think he's going to be an outstanding public servant as Principal Deputy Administrator. Thank you.

Chairman WARNER. Thank you, Senator. I had the privilege of meeting the nominee yesterday and, this morning, his lovely wife. I must say as a citizen of the country, I am very grateful to him and his family for giving up all they have in Florida to come up here and to serve. So we take note of that.

Mr. PAUL. Thank you, Mr. Chairman.

Chairman WARNER. Thank you for joining us this morning, Senator Nelson. You bring to this committee a number of wide dimensions of thought and experience yourself, and your humility most of the time conceals it, but not all the time.

Now, Ms. Jonas.

**STATEMENT OF TINA WESTBY JONAS, TO BE UNDER
SECRETARY OF DEFENSE (COMPTROLLER)**

Ms. JONAS. Mr. Chairman, Senator Levin, members of the committee, it is an honor to come before you as President Bush's nominee to become Under Secretary of Defense, Comptroller, and Chief Financial Officer of the Department of Defense. I thank President Bush and Secretary Rumsfeld for their confidence in me. I also appreciate the opportunity to present myself to the Committee and to address your questions and concerns.

I do have a little bit more of a statement, I'd like to submit that for the record, if you don't mind.

Chairman WARNER. We will put it into the record.

Ms. JONAS. I have already had the pleasure of introducing my family, so I just want to thank the committee for the opportunity to appear this morning.

[The prepared statement of Ms. Jonas follows:]

PREPARED STATEMENT BY TINA JONAS

Mr. Chairman, Senator Levin, members of the committee, it is an honor to come before you as President Bush's nominee to become Under Secretary of Defense (Comptroller) and Chief Financial Officer of the Department of Defense (DOD). I thank President Bush and Secretary Rumsfeld for their confidence in me. I also appreciate this opportunity to present myself before the committee and to address your questions and concerns.

I am very aware of the importance of the responsibilities that I am nominated to undertake. Fulfilling these budget and financial management responsibilities requires a strong leadership team and staff. I am honored to be nominated to head the Comptroller and Chief Financial Officer staffs, and to lead them at this critical time for America's defense establishment.

If confirmed as the Comptroller of the Department of Defense, I will do everything possible to get our military men and women the resources they need to fulfill the difficult missions assigned to them. This requires rigorous priority-setting among competing military requirements. The Department must sustain a strong process to identify the requirements most needed for its military strategy and to develop programs to meet those requirements. We must articulate and justify these military requirements to Congress and cooperate fully to make the wisest possible allocation of limited budget dollars.

Regarding Chief Financial Officer responsibilities, if confirmed I will work hard to improve DOD financial management and keep the Department on track to achieve a clean audit opinion on its financial statements. I also will work to meet the goals of the DOD business management overhaul that Secretary Rumsfeld has launched. I agree with the Secretary that comprehensive reform is needed to overcome the Department's decades-old legacy of stove-piped, incompatible business management systems.

In closing, I again want to thank President Bush and Secretary Rumsfeld for this honor. If confirmed I will do my utmost to fulfill the trust and confidence placed in me.

I especially want to thank my husband, David, who is with me today. David served honorably in the United States Marine Corps and retired in 2001. I am deeply grateful for his love and support.

This is a critical time for the Department of Defense and our Nation. I hope I will have the opportunity to work with the Department's leadership team and Congress in our common goal of securing America's future and supporting the men and women of our Armed Forces. Thank you.

Chairman WARNER. Thank you. Mr. Aviles.

**STATEMENT OF DIONEL M. AVILES, TO BE UNDER SECRETARY
OF THE NAVY**

Mr. AVILES. Mr. Chairman, Senator Levin, members of the committee, I'd also like to state what a personal privilege it is to ap-

pear before you today as the President's nominee for the position of Under Secretary of the Navy. I have a brief opening statement, that, with your permission, I'd like to submit for the record and then just make some short remarks.

Chairman WARNER. Without objection.

Mr. AVILES. Thank you, Mr. Chairman. In addition to thanking the President for his confidence in me, I'd like to thank Secretary of Defense Rumsfeld and Secretary of the Navy England for their recommendation of me to the President for this position. I would also like to thank my family, who were introduced earlier, without whose understanding and support I would not have been able to occupy the position I've had for most of the last 3 years and appear before you today for consideration for this position. I'd like to thank you for your consideration and conclude my remarks there and stand ready to answer any questions you may have.

[The prepared statement of Mr. Aviles follows:]

PREPARED STATEMENT BY DIONEL M. AVILES

Good morning, Mr. Chairman, I am greatly honored to appear before you as President Bush's nominee to be the next Under Secretary of the Navy. I am grateful to the President, Secretary Rumsfeld and Secretary England for the confidence that they have shown in me by nominating and recommending me for this important position. If confirmed, I look forward to working closely with the members of the committee and your respective staffs to carry out the duties and responsibilities of the Under Secretary of the Navy.

For most of the last 3 years it has been my privilege to serve with Secretary England as the Assistant Secretary for Financial Management and Comptroller. Under his leadership the Department of the Navy has begun a transformation to become a more effective and efficient enterprise. This transformation is all encompassing in breadth, substantial in detail and critical to addressing the evolving threat environment. This change is not confined to our combat forces. In addition to fielding new and transformational capabilities and operational concepts, we have begun to change how we conduct our business operations. Secretary England, Admiral Clarke, and General Hagee have fostered a culture that encourages people to challenge long held assumptions about all aspects of our organization with the goal of becoming more effective and driving out unnecessary costs with the goal of reinvesting savings in enhancing combat capability.

Over the last 3 years as Assistant Secretary of the Navy for Financial Management and Comptroller I have worked with this committee and other committees of Congress to properly resource the finest Navy and Marine Corps the world has ever known. The tragic events of September 11 and the subsequent global war on terrorism have focused our efforts to ensure that our sailors and marines have what they need to succeed in their mission. The successes they have had in this effort would not have been possible without the support of Congress. Should I be confirmed, I look forward to continuing to work with Congress to further support our marines and sailors. I thank you for your consideration and ask for your support.

Chairman WARNER. Thank you.

Mr. Paul.

STATEMENT OF JERALD S. PAUL, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION

Mr. PAUL. Thank you. Good morning Mr. Chairman, Senator Levin, members of the committee, I want to first thank you for providing this opportunity to earn your advice and consent and extend a sincere personal thank you, Senator Nelson, for that very warm introduction.

It is an honor to be nominated by the President to serve as the Principal Deputy Administrator of the National Nuclear Security

Administration. As the chairman alluded to earlier, and as this committee knows well, the NNSA was created by Congress as a semi-autonomous agency within the Department of Energy with the primary mission of strengthening the United States' security through the military application of nuclear energy and by the reduction of the threat of terrorism globally and the spread and proliferation of weapons of mass destruction. If confirmed, I commit that I will dedicate a tireless work ethic toward carrying out this key mission.

I fully recognize and accept the tremendous responsibilities associated with the number two post over our nuclear weapons complex, our Navy nuclear reactor program, and our global nuclear nonproliferation programs. As a nuclear engineer, an elected policymaker, an attorney, and a father, I find no station in life where I can more passionately serve our country than to help employ our understanding of the atom to the safety and security of free people. As this committee knows well, in these unique times, there is no task more critical to future generations than nuclear security itself. I truly do look at the programs of NNSA through the eyes of my children.

Finally, as a legislator let me state for the record that I truly do understand your oversight role and the importance of it to the very structure of a republic as well as the accountability that comes with it that is its natural object. I not only accept it and respect it, I welcome it, I embrace it, and I look forward to working with you and your staff in a long relationship that I believe will be marked by candor, openness, and mutual respect.

It would truly be a great honor to earn your confidence and support today. Thank you for your confidence and I look forward to your questions.

Chairman WARNER. Thank you very much. I will proceed on the first round of questions. I will lead off with Ms. Jonas. We discussed yesterday the background and particularly your duties in the Department of Defense Comptroller's office beforehand, and I asked questions of you in the context of the possible supplemental to be forwarded to Congress this year. It has been the subject of a good deal of discussion. It would presumably, and I say presumably, be up to the administration to put it together, but presumably would cover the ongoing cost of the level of activities that are taking place in both Afghanistan and Iraq today, which require a higher tempo of operations (OPTEMPO).

In the case of Iraq, it required the retention of certain forces, approximately 20,000, which had heretofore been scheduled to return, having completed their stipulated period of time in Iraq. Understandably, you were very forthcoming in saying to me that your previous responsibilities in that office did not deal specifically with the supplements. Am I not correct on that?

Ms. JONAS. That is correct, sir.

Chairman WARNER. So at this point in time I would presume you do not possess any particular knowledge with regard to the status of the contemplated supplemental and whether it will be forthcoming possibly some time this year or maybe even next year.

Ms. JONAS. Yes, sir.

Chairman WARNER. Am I correct in that?

Ms. JONAS. That is correct, sir.

Chairman WARNER. I just wanted to make that clear for the record, and I accept those responses. I think that you just have not had that experience, but you will soon learn about it.

Ms. JONAS. I've seen the public discussion on it, sir.

Chairman WARNER. Because it's critically important to the effort. It's extremely difficult in the budgeting process to look forward, sometimes as far as 18 months, as to the OPTEMPO of forward deployed forces particularly those engaged in actual combat. You just can't anticipate with the certainty that is necessary to put down in a normal presidential budget request what is needed. So assuming you could do it and put out a figure, then Congress would be highly critical of you if you put the figure way up here and then the actual expenditures were far less. So I support the process as it is today, and I think we are going to continue it, and you will be very much involved in the forthcoming supplemental.

Turning now to another subject, this committee has spent a great deal of time on the question of leasing, particularly in one instance, of aircraft. You would, if confirmed, serve as the co-chair for the leasing review panel, a panel that reviews significant lease proposals such as the one that was, but no longer is, the 767 tanker lease proposal.

Could you expand on your prepared answers on this subject? For example, describe what shortcomings you see in the leasing review panel and explain how you would go about trying to correct them in order to avoid problems that we have incurred, say with the 767.

Ms. JONAS. Well, Senator, I'm aware of the issues. I'm not familiar specifically with the operation of the leasing panel, however, I believe that obviously it merits review, and I would particularly pay attention to the issues of cost, balancing the cost, doing the analysis on cost, and ensuring that whatever proposals were put forward complied with all laws and regulations.

Chairman WARNER. I stress that because this has not been one of the finer chapters in the history of the military department. I am not here to pronounce judgment on the final review of this 767 tanker situation, but we had testimony right from the seat in which you currently occupy from the Inspector General (IG) of the Department and his staff which was extremely critical of how the leasing, and particularly the review panel, handled this situation. I hope that you would not in any way be reluctant to change the manner in which the review panel does its business today to avoid such situations. Would I be correct in that?

Ms. JONAS. Yes, sir. I would have to look at that, sir.

Chairman WARNER. Thank you. Now, for Mr. Aviles, the fleet response program is developed to allow the flexibility to surge greater numbers of ships in time of crisis, and the central theme being that the Navy would provide, "presence and a purpose," instead of the routine deployment cycles in the past.

One of the advantages of the past system was that shipyards and aircraft depots had a predictable deployment schedule from which they could plan maintenance and availabilities. How will this plan affect the ability of shipyards and aircraft depots to anticipate such requirements and effectively accomplish their mission?

Mr. AVILES. Mr. Chairman, under the fleet response plan it is intended to provide a greater utilization of the assets that we have particularly in times of crisis. The intent here would be to build a new paradigm, if you will. Particularly carrier battle groups followed a very set deployment pattern that was very predictable over long periods of time. I can recall a time when a serious discussion took place at this committee centered around the inter-deployment training cycle, the so called "readiness bathtub" that returning forces would undergo. This period of severely degraded readiness after which it took a lot of time and money and training to get those forces back up on the step to where they were ready to deploy again.

The intent of the fleet response plan is to mitigate that readiness degradation, if you will, and we are paying very close attention to the requirements for maintenance in this. In some cases it's going to require more maintenance for certain types of platforms that support this program. At least that's what we anticipate. I know that the senior leadership of the Navy is committed to work with the maintenance depots and shipyards to ensure that we properly plan for the workload. That is always a consideration with us in terms of work load planning and management for those facilities in order to make sure that they are operating efficiently. So, I'm confident that we—

Chairman WARNER. I'm encouraged by your response to that question, because I know from considerable experience that these yards have difficulty maintaining a constant skill level of skilled employees in their yards because of the perturbation in the schedules. So, to the extent that you can strike an even balance there, I think it is going to be the better for the Navy as well as the private sector.

I am quite interested in the Navy's new concept which has been utilized in years past with the submarines. We had the blue and gold crews, and now you're looking at surface vessels. To what extent can you tell us about that program and it's success?

Mr. AVILES. Yes, sir. For the last couple of years the Navy has been engaged in the Sea Swap program which forward-deploys a ship into the theater where you would intend to operate it and then rotates crews between that ship in order to avoid the long transit times that are sometimes involved in moving forces to and from their home ports to their operating areas.

In some cases, that transit time can be as long as 1 month going each way. To the extent that we try to limit deployments, except in special circumstances, to a 6-month period of time, that results in effectively one-third of the time the ship is not available for on-station deployment.

So the intent of these experiments was to find out if you could do something innovative like this and still preserve the readiness and material condition of the ship, and determine if it would not degrade precipitously or suffer by that type of an approach. It's one of the innovative concepts that Admiral Clark is taking a look at in order to try and see if this makes better sense and gets better utilization out of these assets.

Attendant with that is obviously you'd have to have more crews per ship to support that effort.

Chairman WARNER. Good. Well, I commend the Secretary and in particular the Chief of Naval Operations (CNO) on this, and I hope it works because I think it has the potential for savings of dollars and savings of time on station with individuals. I intend to be very supportive as you move forward in this program.

Mr. AVILES. Yes, sir.

Chairman WARNER. Now, Mr. Paul, this question relates to a subject that I've been working with for a very long time, and that's the science-based Stockpile Stewardship and Management Program, designed to use scientific tools to maintain the existing nuclear weapons stockpile as reliable, safe, and secure without the need to return to actual underground live tests. You are quite familiar with the concept?

Mr. PAUL. Yes, sir.

Chairman WARNER. I'm just going to ask the question, and I caution you, unless you have a specific answer, that you wait, until confirmed, getting into this. But I wanted to express my concerns about it.

Congress has put an awful lot of money, taxpayers' money, into this program. From time to time, it is rather substantially questioned as to whether it is going to work. To what extent have you had any opportunity to study this subject?

Mr. PAUL. Mr. Chairman, I am familiar with the Stockpile Stewardship Program and its ongoing need as we certify the reliability, safety, and security of that stockpile.

Chairman WARNER. I think it's a laudable goal. I am not suggesting that this Nation should not, for various reasons relating to the international treaties, engage in the live testing. I am not here pronouncing that that's not a wise thing to do because the credibility of this stockpile is essential; the safety of it is essential. People should pause to think that these weapons are actually located in some instances in their towns, villages, and cities, or in their proximity. We have to know about safety, and particularly those who have stepped forward and are willing to handle the weapons.

This Stockpile Stewardship Program is not complete yet. It hasn't gotten to the point where it can do its job but I have heard some disturbing reports of late about whether or not it is going to be viable and so forth. I just ask you to say one thing: You will look at this first thing if confirmed and if you go to the Department. Is that correct?

Mr. PAUL. Yes, sir.

Chairman WARNER. Early on, I would appreciate it if you would offer yourself to come up to the committee when ready and give us your own views on this.

Mr. PAUL. I would welcome that opportunity.

Chairman WARNER. I thank you very much.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. Ms. Jonas, when your predecessor, Dr. Zakheim's nomination, was before this committee, he testified that, "ad hoc supplementals traditionally were employed to meet necessary but unforeseen costs." He went on, "It would be best to restrict supplementals to this traditional model and provide funding for ongoing operations, as much as possible, within the regular budgeting process."

Do you agree or disagree with Dr. Zakheim's statement about that issue?

Ms. JONAS. Senator, I think that providing funds in an annual budget to the extent that it's possible to predict, I think that's a good thing.

Senator LEVIN. Now, the Senate budget resolution added \$30 billion for the extra costs of Iraq and Afghanistan for fiscal year 2005. The House budget resolution adopted a larger number, because they covered the whole year and our budget resolution actually covered the additional costs for roughly the first 6 months.

We've had estimates from our military officers that the approximate cost is \$4 billion a month extra above the fiscal year 2005 budget request. Do you personally support the Senate budget resolution number for those extra costs? Do you know what the administration position is on it?

Ms. JONAS. Sir, I'm not familiar with the administration's position or the considerations that they might be taking into account or the requirements that are being developed now by the military. I would say that should I be confirmed, I would obviously work very closely with Congress and with the military to get them the resources they need when they need them.

Senator LEVIN. Okay. Mr. Chairman, I wonder if we can request the DOD to give us the answer to that question promptly? I don't think we have the answer from the DOD yet on this issue about whether or not they support the Senate add-on in our fiscal year 2005 budget resolution of \$30 billion for the extra costs for Iraq and Afghanistan. This is not a question for Ms. Jonas, but this is a question for the DOD. Can we ask them for what their position is?

Senator ALLARD [presiding]. I'll have to check with the chairman to be sure, but I don't see any problem with that.

Senator LEVIN. I didn't realize that he had to leave. I would have asked him. Okay. Ms. Jonas, if the appropriation for the extra costs of operations in Iraq and Afghanistan is delayed until several months into fiscal year 2005, the Services are going to have to absorb, or what we call cash flow, those expenses, which are currently running, as I mentioned, at over \$4 billion per month. In similar situations in the past, the Services often have borrowed against their fourth quarter or even their third quarter budgets, assuming that a supplemental would pass at some point to make their budgets whole again.

Now, the Army has to absorb most of these expenses in the current situation, but this is also a problem for organizations with smaller budgets and less room to absorb such costs—such as the Marine Corps and the Special Operations Command. What impact do you believe that cash flowing this level of unbudgeted expenses would have on the Services' ability to effectively manage their other worldwide responsibilities?

Ms. JONAS. Senator, I think it would require that I sit down with the military Services to understand the impact. They know best the impact. I can understand that they would have concerns. I would have concerns. I think the only thing I can say at this point is I'd be happy to, should I be confirmed, sit down with them to understand the impact of this type of budgeting.

Senator LEVIN. Do you have an opinion as to whether or not this is the way we should be doing business?

Ms. JONAS. Sir, I think it would preferable to have sufficient funds available for them. I could understand that that would cause us some hardship, but I don't have any additional details, so I'd be reluctant to provide a formal opinion on that right now. I'd be happy to provide it at some later point.

Senator LEVIN. In your response to a pre-hearing policy question, you stated that the first increment of the Department's business system enterprise architecture would be ready by the fall of 2004. The DOD originally promised to deliver a completed enterprise architecture by no later than the spring of 2003, and I believe you were at the Department and participated in the formulation of that goal and its initial implementation. Are you able to explain why it has taken so much longer to develop that enterprise architecture than the Department originally expected?

Ms. JONAS. Senator, I have been gone from the Department for a couple of years now. I don't know precisely the implementation that they are pursuing, but I'd be certainly very glad to look into that and that would be one of the first orders of business I do.

Senator LEVIN. Okay. Thank you. This committee has consistently taken the position, supported by the General Accounting Office (GAO), that the only appropriate way for the Department to get a clean audit is to fix the business systems that generate the underlying data, and any effort to address the problem by simply adding audit resources without fixing the underlying problems will, one, be extremely expensive; two, lead to one-time results that can't be sustained on a long-term basis; and three, even if it were by some chance to provide a clean audit opinion, would not provide timely business information that is needed for management purposes.

Now, you responded to our pre-hearing questions as follows: That modernizing the Department's business systems is the only long-term sustainable solution to its financial reporting inadequacies, and that you, "support the current complementary measures that the Department is taking to obtain acceptable financial statements by the year 2007."

If new business systems are not available on time to meet that 2007 goal and the only way that the Department can obtain acceptable financial statements by that date is to spend a lot of money throwing an army of auditors at the problem, what then? What would you then do?

Ms. JONAS. Well, I tend to agree with the statement that the business systems are really critical and key to getting to clean audits. It is a very important goal, and it would be high on my priority list. There may be some difficulty, as you mention, with, "throwing an army of auditors at it." I'd have to look carefully at what Dr. Zakheim has proposed over the last 2 years, and should I be confirmed, I would do that and look at all practical means to get to a clean audit. I don't agree with necessarily throwing a lot of money at the problem if it's not the right way to go.

Senator LEVIN. My time is up. Thank you, Mr. Chairman.

Senator ALLARD. Thank you. I'm next, then we'll call on Senator Pryor.

One of the things that I think is vitally important while our men and women are actually being deployed is to not have problems with their paycheck. There is a report that came out in November of last year on National Guardsmen in which they looked at 481 National Guardsmen and 450 had problems associated with their pay. This hits home, particularly in Colorado, because out of 62 members of the National Guard in Colorado, all but one had problems with pay while they were deployed.

So I'd like to have some assurance, Ms. Jonas, that you'll get on top of this problem. It's a GAO report that pointed it out, and see if we can't get these type of pay problems corrected. If you have any ideas in how these can be corrected currently, I'd like to hear them.

Ms. JONAS. Senator, I'm not familiar with all the details of the problems at this point. I'd be very happy to look into that. There's nothing more important than a paycheck for our men and women in uniform.

Particularly with the Guard issues. I understand that there are concerns, so I would very much be looking into that.

Senator ALLARD. Yes, I hope you take a close look at that GAO report.

Ms. JONAS. Absolutely, sir.

Senator ALLARD. Maybe use some recommendations that they had in there, and let's see if we can't get that problem corrected. While we're discussing concerns, you might also recall that we visited a little bit about credit card fraud. We talked about this in some of our private conversations, but I would just like to have you affirm here, in a public meeting, just exactly what it is that you would like to do as far as trying to deal with credit card fraud. If you have any ideas, I'd like to hear them.

Ms. JONAS. Of course fraud of any type is unacceptable. I know there were certain measures that were taken by the Department to try to address that. I would work closely with the IG's office and with our financial community including the assistant secretaries for financial management in the Services, to address these issues promptly.

Senator ALLARD. Thank you. Mr. Aviles, I have been a strong proponent of missile defense systems and I do think the Navy plays a key role in our missile defenses, specifically in regard to the Aegis ships. Now, I also understand that the Navy has the authority for experiments relating to missile defense with the Standard Missile 2 and Block IV. I'm just curious to know how the Navy is funding this requirement and if you could, please elaborate on the testing of the SM-2 Block IV.

Mr. AVILES. Thank you, Senator. I cannot elaborate on the testing for the SM-2 Block IV. With your permission I would like to take that for the record.

Senator ALLARD. Okay.

[The information referred to follows:]

The Navy is planning to test a modified SM-2 Block IV missile against an endo-atmospheric, ballistic missile-like target. The test will attempt to determine if a SM-2 Block IV missile fired from an Aegis equipped cruiser having a modified software program can provide a limited terminal defense against short-range ballistic missiles.

Mr. AVILES. With respect to the funding issue, sir, typically, based on the agreement between the Missile Defense Agency (MDA) and Navy, the expectation would be that some of the developmental costs would be borne by the MDA and some of the actual component acquisition cost then would principally be borne by the Services. Not knowing the specifics of the SM-2 Block IV question with respect to what that looks like, I'll commit to you, Senator, that I'll go back and take a look at that, and with your permission would like to give you that answer for the record. But my understanding of the arrangement between MDA and Navy is that that's the way the cost sharing normally works.

[The information referred to follows:]

The Navy is funding the SM-2 Block IV test. The Missile Defense Agency is providing no funding for the test but is providing a target.

Senator ALLARD. One of the other areas that concerns me is the safety of the ships and cruise missile defenses for our ships and personnel ashore. Admiral Fargo, before this committee, recently stressed the importance of cruise missile defenses. Are we aggressive enough in pursuing a technological response to this threat to Navy ships and personnel?

Mr. AVILES. Senator, I share your concerns about anti-ship cruise missile threats. As a former surface warfare officer, I know it's something you live with every day when you're out aboard a ship in a threat environment. The proliferation of advanced anti-ship cruise missile technology is troubling, and the threat is growing.

It is a priority for the Department of the Navy, and you will see improvements that we have programmed for, improvements to the standard missile program to evolve that missile to handle the more capable threats and to the Enhanced Sea Sparrow Missile System, which will be outfitted for a closer-in defensive system for our ships, as well as NULKA anti-ship cruise missile decoys. A priority of Secretary England's is to focus on the defensive aspects of this. We have a very good and capable precision strike capability, as most people are aware of, and we are also taking a hard look to make sure that we balance our capability across both offensive capabilities and defensive capabilities.

Senator ALLARD. Mr. Paul, I had an opportunity to visit all our laboratories, I think it was last year or maybe the year before that, and one of the things that struck me is that the workforce is maturing and getting ready for retirement. I don't see a lot of young people coming in with nuclear physicist degrees and what not to sustain some of the programs like the Stewardship Program that Senator Warner talked about and some of our other nuclear technologies. It would be a shame to lose that workforce without some sort of pass on. So I'm concerned about losing some of the brain power and practical experience that we have there.

Do you have any ideas about how we can bring in new talent as far as our nuclear program is concerned?

Mr. PAUL. It's an excellent point, Mr. Chairman. Succession is an issue that I intend to focus on if confirmed. The average age of our skilled workers within our nuclear weapons complex now is at 48, 61 percent of whom are eligible for retirement by 2010. I think that the efficacy of any management team can, in part, be measured by how well it deals with succession. This is one of the issues that I've

spoken about individually with each of our site office managers and asked them where do they see the next generation of skilled workers coming from for our complex. It is an issue that is very important to me.

I think we're going to need to increase the resources that we put into reaching out to academia and industry. We also need a more focused accountable effort with respect to our managing contractors to ensure that they are thinking about this and thinking about where the next generation of skilled workers within their side will come from as well.

Senator ALLARD. We just now talked about the personnel side of it, and then there is also an aging issue as far as our facilities and equipment is concerned. Can you share with the committee your views on what we need to do to recapitalize our nuclear weapons infrastructure?

Mr. PAUL. Again, that's an issue that I'm going to focus very heavily on, the Facilities and Infrastructure Recapitalization Program (FIRP) and reducing our backlog of preventive maintenance. More than half of our entire complex is over a half century old, and I think there was a recognition by this committee that the backlog of maintenance was too great. I think we are approaching by the end of fiscal year 2005 with the administration's proposed budget to zero out that backlog. It's going to be an issue that I'm going to have to focus on, and I'm going to spend a lot of time asking each of our site managers what their specific plan is for revitalizing and recapitalizing the infrastructure and holding them accountable.

Senator ALLARD. Senator Pryor.

Senator PRYOR. Thank you, Mr. Chairman. I'd like to follow-up on the chairman's comment a few moments ago, Ms. Jonas, and talk about this GAO report. It's GAO-04-89. It came out last November, and it's on military pay. This is something that is important to me personally because so many members of the Arkansas National Guard are now activated. In fact, we've had five killed in the last 3 or 4 days in and around Tajik and Baghdad. I went down to Fort Hood, Texas, and Fort Polk, Louisiana, and talked to our men and women in uniform. Some of the things I came back with are very consistent with this report. Let me just read a paragraph or so for you.

It says, "The existing processes and controls used to provide basic and special active-duty pays to mobilized Army Guard personnel are so cumbersome and complex that the Army, the Defense Finance and Accounting Service, and most importantly, the mobilized Army Guard soldiers cannot be reasonably assured of timely and accurate payroll payments. Weaknesses in the current processes and controls resulted in a substantial number of over and under payments and late active-duty payments to mobilized Army Guard personnel in our case study units."

"For example," and Senator Allard pointed this out: "Four hundred and fifty of the 481 soldiers from our 6 case study units had at least one pay problem associated with their mobilization, so 450 out of 481 had at least one pay problem. These pay problems severely constrain the Army's and the Department of Defense's ability to provide a most basic service to these personnel many of

whom were risking their lives in combat. In addition, resulting inaccurate, late, and/or missing pays and associated erroneous debts also had a profound financial impact on the individual soldiers and their families. Soldiers and their families were required to spend considerable time, sometimes while the soldiers were deployed in remote combat environments overseas, continually addressing concerns over their pay and allowances."

I could go on and on with this, but I think we all agree that this is a real problem. It's a real life problem for our Guard and Reserve soldiers. As we know we're relying on them very heavily right now. So I hope that as you go into the DOD that you will not just address the problem and be aware of it, but really try to be a problem solver. I think when you have a large agency like this, you have a very complex problem. I think this is something that's evolved over time, but I'm sure there's a lot of inertia.

So I want to encourage you to be a problem solver with it, and get in there and really try to get to the bottom of this and make it right. Unfortunately, for our guys in the Guard in Arkansas, the 39th Infantry Brigade that is already over there, they've kind of gone through a lot of these hiccups and had problems and issues, but let's try to get it right for future soldiers.

Ms. JONAS. Absolutely, Senator. I would be happy to look into that. Should I be confirmed, that will be a first priority for me.

Senator PRYOR. Thank you. Mr. Chairman, that is all I have.

Senator ALLARD. Okay. We will start another round of questioning then. I'll start that off and then we'll go to Senator Levin. I want to get back to the DOE. Mr. Paul, the DOE's Environmental Management Office (EM) is going to go out of business. That's the plan, and I'm concerned that NNSA does not have sufficient budget resources in the future for the clean-up of its facilities. If confirmed, can you assure me that you will work to ensure sufficient resources are allocated for the clean-up of NNSA facilities?

Mr. PAUL. Yes, Senator, I'm generally familiar with the transfer from EM to NNSA of some of that activity, both as to the ongoing and then later discussions with EM, regarding the legacy waste. That is an issue that I assure you I will focus on.

Senator ALLARD. One other question on the DOE is the National Ignition Facility. It's one of the things that has been somewhat controversial. In your view, is the National Ignition Facility that important to the Stockpile Stewardship Program?

Mr. PAUL. I believe that it is, Senator Allard. I know of no other technical mechanism that can be employed to approximate the temperature, pressure, and radiological fields that exist both at the center of a star and at the center of an implosion. I believe that the ultimately built-out 192-beam facility will create the environment that is necessary to the Stockpile Stewardship Program.

Senator ALLARD. Now the fissile material disposition program aims to dispose of surplus weapons grade fissile material both in the United States and Russia. There have been delays because of some inability to reach an agreement with the Russians on liability to the U.S. contractors. What is the prospect for a near term resolution of the liability issue? If it's not resolved this year, what will be the impact on this program?

Mr. PAUL. Let me break that down into a couple of sub-parts if I may, Senator Allard, with your indulgence.

Senator ALLARD. Yes, if you would.

Mr. PAUL. First, the prospect of resolving the liability issue. As I understand it, there are ongoing discussions at the highest level at the Department of State to try to resolve the liability concerns with our Russian counterparts. I believe we are making good progress, and I don't think it would be appropriate for me to comment further on a specific resolution on that, but I think there is progress.

The next question, what is the impact on the fissile disposition program? There is a commitment to dispose of the 34 metric tons of plutonium both here and the 34 metric tons in Russia. Of course, the disposal of the 34 metric tons here is indeed an incentive, a driver, for the disposition of the 34 metric tons in Russia. I do believe, however, that there is a commitment to remove the 34 metric tons from the existing site.

Senator ALLARD. Mr. Paul, there is a whole maze of nuclear programs. We've tapped on a few of them here in our questioning both from Senator Warner and myself. We need to make sure that we ensure the reliability, safety, and security of our nuclear weapons stockpile. Now, I'm just curious, what experience do you bring to the position of Principal Deputy Administrator that has prepared you to help manage such a complex program?

Mr. PAUL. Senator Allard, we have not engaged, in this country, in testing since September 23, 1992. So, we have as a backdrop for ensuring our safety, security, and reliability, a science-based judgment system, an extrapolation, if you will, using complex diagnostic tools most of which are inherent within the nuclear science field, which is my background as a nuclear engineer both in academia and in practice. As a reactor engineer in nuclear power plants and as somebody who has handled programs and managed programs relating to spent nuclear fuel and the same type of isotopes in the actinide series that we deal with at each of our facilities within the nuclear weapons complex, the physics is the same. Of course, within our complex, we have available some diagnostic tools that the civilian nuclear side does not necessarily have, but there is a significant amount of interface.

Senator ALLARD. This question is for Mr. Aviles. In your answers to advance questions, you stated that the CNO has said that the requirement of 375 ships is not a precise number, and you also state that you support the Seapower 21 Vision. Now, the 375 ship requirement was a derivative from the 37 independent strike groups briefed to committee members, and this was just over 16 months ago. My question is, how has the Seapower 21 Vision changed so as to alter the number of ships? How many ships are envisioned by the current budget request in future year defense programs?

Mr. AVILES. Senator, the 375 number that has been used is a goal, and it is consistent with the 37 independent strike groups as you've indicated. Where I'm focusing is on the precision of that number as we look at different ship classes and capabilities of ships and other things that we are studying, such as, the joint forcible entry study and seabasing concepts. That number may go up;

it may go down. The intent of my comment was just to suggest that that is not a static, fixed target that will forever be written in stone at 375 ships. In addition to the joint forcible entry study, there is going to be an undersea warfare study that's been undertaken by the Joint Staff as part of our programming and budgeting process as we go forward.

So my simple point there was that there's no bumper sticker number that's appropriate. To the extent that Seapower 21 still envisions 37 independent strike groups, I believe that number is about right, but I can't say with absolute certitude that it's precisely 375 ships.

Senator ALLARD. Okay. Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. Ms. Jonas there has been a lot of attention in the press in the last few days to the question of whether or not the administration kept Congress informed, as required, about the use of emergency funding provided after the September 11, 2001, attack. I think you've indicated that what you know comes from your reading of the press.

Immediately after that attack, we appropriated the first \$20 billion. The first \$10 billion of those required the President to consult with the chairman and ranking members of the Appropriations Committees. Senator Byrd and Representative Obey, who were at the time the chairman and the ranking member of the Senate and the House Appropriation Committees' respectively, wrote the President yesterday saying that they were unaware of any such consultations.

There were also, as part of that same emergency appropriation, requirements that the second \$10 billion be provided 15 days after notification to the Appropriations Committees as to how the funds would be used. There is another provision in the law which requires quarterly reports relative to the expenditure of those funds.

Now I'm wondering whether you have any comment about this matter other than the fact that you've read about it in the paper? I mean are you familiar, for instance, with the law?

Ms. JONAS. Senator, what I would say is that I think it's important, and I understand having worked in Congress, and worked with the Appropriations and Authorization Committees, that it's very important that they receive clear documentation and understand clearly what the requirements are and how the Department would intend to use those funds. So I appreciate the concerns of Congress in this matter. I don't have any details with respect to the particular expenditure of those funds, but I'm very keenly aware and believe in following the intent of the law that's passed by Congress.

Senator LEVIN. Well, thank you for that, and I don't know if there's a DOD representative here. But I would think this committee, in addition to the request that went out from Senator Byrd and Mr. Obey on this matter, since it is the expenditure of defense funds we're talking about here, should be notified as to whether or not the law that required consultation notification, and quarterly reports, depending on which part of the \$20 billion we're talking about, that this committee also be informed as to whether or not those requirements of that law were complied with. Is there a representative of the DOD here today, by the way?

Mr. MOORE. Yes, sir.

Senator LEVIN. Okay, good. I didn't see you sitting back there. Perhaps you could pass that along then.

Mr. MOORE. Yes, sir, I will.

Senator LEVIN. Thanks. Ms. Jonas on the incremental funding issue, I believe the chairman had talked to you about this issue briefly, and I'm wondering whether you have any general feelings about the use of incremental funding. We have a board that I think you will chair that looks at proposals to deviate from the usual assumption against incremental funding. Do you have any particular feelings about the use of incremental funding?

Ms. JONAS. Well, Senator, I think the regulation and the practice of the Department is to try to hold to the discipline of full funding, I understand that there are times when other considerations could be taken into account. I'd have to look into that a little bit further with respect to some of the programs that I know that Congress is interested in proposing with respect to incremental funding.

Senator LEVIN. Do you share the assumption that we should avoid incremental funding where we can?

Ms. JONAS. I think, sir, it's a good practice in general.

Senator LEVIN. Okay. Mr. Aviles, the littoral combat ship is the subject of my question here. In the pre-hearing question, the committee asked you about the Navy analysis that led to the decision to buy the littoral combat ship, the LCS. You said in your response, "That analysis was performed to evaluate material and non-material approaches to closing the capability gaps." It's clear that the Navy has spent a lot of effort analyzing how well an LCS might perform some of these missions. However, neither the committee nor the Congressional Research Service has been able to find any evidence that the Navy fairly evaluated other alternatives before deciding to proceed with LCS development.

Can you describe for us the "material and non-material alternatives," that you believe the Navy analyzed in coming to the conclusion that the LCS is the best modernization effort to implement the Navy's vision of future maritime operations?

Mr. AVILES. Sir, with reference to the term "material and non-material capabilities gaps," the expression there is whether or not you needed to focus on a hardware solution or an operational, perhaps a procedural, solution to address issues such as shallow water mine warfare, shallow water antisubmarine warfare (ASW) challenges that confront the force. With your permission, sir, I'd like to get back to you on the specifics with respect to analysis, because I can't speak to the specifics in that analysis.

[The information referred to follows:]

The LCS program completed a tailored analysis of alternatives (AoA) approved by the Office of the Secretary of Defense. The tailored AoA evaluated material and non-material solutions to mitigate the gaps in the littorals. Non-material solutions included an analysis of the capabilities of existing force structure including space-based sensors, aviation platforms, surface combatants, submarines, and combinations of the stated platforms. Other non-material options examined were changes in Doctrine, Organization, Training, Management, Leadership and Education, Personnel and Facilities (DOTMLPF).

Material alternatives evaluated included non-surface combatant solutions with an emphasis on Maritime Patrol Aircraft (MPA) in ASW, a non-surface combatant solution with emphasis on submarines in ASW, a DDG hull with three mission packages

(MIW, ASW, and SUW), and LCS. Each alternative was evaluated for desired capability, affordability, technology risk, and supportability.

The Littoral Combat Ship, tailored for MIW, SUW, and ASW missions, was determined to be the best approach for closing the capability gaps.

Senator LEVIN. Okay. Thank you. My time is up. Should I just finish? I have one other question.

Senator ALLARD. Okay. You just have one or two questions?

Senator LEVIN. Yes.

Senator ALLARD. Why don't you finish up. I have one question and we can adjourn the committee.

Senator LEVIN. Either way.

Senator ALLARD. No, go ahead and finish up that one question and then we'll wrap it up.

Senator LEVIN. Mr. Paul, the position for which you're nominated is a new position, created at the request of the NNSA. At the time it was created, the NNSA Administrator wanted the principal deputy to serve as a chief operating officer. Currently there is a position of chief operating officer in the NNSA. So how do you see the respective roles of the chief operating officer and the principal deputy administrator?

Mr. PAUL. Senator, my role as principal deputy would be to work directly with the Administrator and in his stead when he is not able to act. I will primarily work directly out in the field as the front line supervisor for each one of our site office managers as well as the front line supervisor for each of the managers within the headquarters. The chief operating officer will support me in those duties.

Senator LEVIN. Okay. Just one additional question on project management. The DOE and NNSA have a history of difficulty managing complex construction projects. As a result, most projects have been over budget and behind schedule. Several years ago the DOE and NNSA created project management offices, but both are understaffed and underfunded. A committee of the National Research Council branch of the National Academy of Science has recently completed the third in a series of three annual reports on DOE and NNSA project management. While there is a series of findings and recommendations there are two that I just want to highlight for you.

The first deals with people, and the second deals with management attention. First, the report states that the DOE has expended considerable effort developing a project management career development program, but the report also says that, "Whether the program will be funded and fully implemented remains uncertain and in spite of the expense and complexity of its projects, DOE invests little in human resource development for project management compared with the efforts of other Federal agencies or private corporations."

So my first question is whether or not you would work to ensure that the NNSA invests in project managers?

Mr. PAUL. Yes, Senator, I will. I appreciate you raising my attention to that issue. I will review the reports.

Senator LEVIN. Then the reports says that the committee can offer little assistance that the improvements will be permanent and goes on to find that, "the advances in DOE project management are

fragile, and that the legacy DOE culture is strong. Senior management attention and actions are essential if past improvements are to be made permanent and ingrained in the organization."

If confirmed, Mr. Paul, would you provide strong and consistent attention to project management, and would you report back to us in 3 months on the progress that you made in improving project management and developing project managers?

Mr. PAUL. I will, sir.

Senator LEVIN. Thank you. I think that's it. Thank you, Mr. Chairman.

Senator ALLARD. Thank you, Senator Levin. I have just a couple of questions, and one has to do with sexual assault. The policy of this committee is zero tolerance as far as sexual assault is concerned. We have continually, aggressively pushed oversight on this particular issue as it applies to the Secretaries of each one of the branches as well as the Secretary of Defense. Mr. Aviles, please state for this committee your intent with respect to reviewing and taking action upon each reported instance of sexual assault in the Navy and the Marine Corps.

Mr. AVILES. Senator, the Navy and Marine Corps have a zero tolerance policy with respect to sexual assault. It is intolerable that such activity goes on in a military organization. However, the Navy and Marine Corps have both taken aggressive actions with both the sexual assault victims intervention program for the Navy and the victims advocacy program for the Marine Corps to provide a reporting mechanism for victims to ensure that victims are not subsequently harmed either professionally or personally and to ensure that we aggressively go after cases of alleged sexual assault.

The Naval Criminal Investigative Service (NCIS) is the principal investigative body for all reported incidents of that activity in the Department. The NCIS reports directly to the senior leadership of the Secretary on all matters, and obviously has the very close personal attention of the Secretary. I would expect, should I be confirmed, that I would play an active role in supervising the disposition of cases.

Senator ALLARD. And you support that policy?

Mr. AVILES. Absolutely, sir. I believe it needs the highest attention within the Department. Having said that, I don't want to give the impression that the Secretary would in any way try to influence unfairly any sort of criminal proceedings that might be brought against—

Senator ALLARD. Well, I don't think anybody expects that. We just want to make sure that due process applies.

Mr. AVILES. Due process must be respected, but by the same token this is something that the Secretary sent the message out loud and clear that he will not tolerate and that is the only appropriate response.

Senator ALLARD. Very good. That wraps up questions for me, and I think that takes care as far as the committee is concerned. I have always been a strong proponent of the idea of the Government Results and Progress Act (GRPA), and where we evaluate it. I just would hope that each one of you would do your best to make sure that those provisions are implemented under your supervision. I think that's key. I think we're only about 60 percent there as far

as meeting the requirements of that particular act, and it's something that I continually push. It's a personal thing with me, but I think it's important for accountability. I think the President needs it. I think this committee needs it. I think appropriators and budget committee all need to have this report that comes out of the GRPA.

So I just would like to have all of you commit to this committee that you're going to do what you can to move that issue forward, and I think that's important.

Ms. JONAS. Yes, sir.

Mr. AVILES. Yes, sir.

Mr. PAUL. Yes.

Senator ALLARD. Okay. Thank you. That completes all our questions. I want to thank all of you for taking the time to be here today. We want to thank you personally for your service and willingness to step forward in these new positions, and we look forward to working with you. Thank you very much. I declare the committee adjourned.

[Whereupon, at 10:55 a.m., the committee adjourned.]

[Prepared questions submitted to Tina Westby Jonas by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense (DOD).

Do you support full implementation of these defense reforms?

Answer. Yes. Establishing the combatant commands, specifying responsibilities, and focusing on "jointness" have enhanced the readiness and warfighting capabilities of U.S. Armed Forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. These reforms have strengthened the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders, and have made joint operations the norm. They have helped to improve the interaction among the services in conducting military operations. These reforms have significantly improved the ability of the Department to protect America's security and further its vital interests.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I would consider each of the goals noted above to be an important aspect of these defense reforms. Probably the most important outcome of these reforms has been a more intense focus on joint operations and joint requirements. If confirmed, I would work to help Secretary Rumsfeld increase the emphasis on joint requirements during the Department of Defense's new 2-year internal budget cycle.

RELATIONSHIPS

Question. What do you see as the relationship between the Under Secretary of Defense (Comptroller) and each of the following?

The Secretary of Defense.

Answer. The Under Secretary of Defense (Comptroller) is the principal assistant and advisor to the Secretary and Deputy Secretary of Defense on fiscal and budgetary matters. The Under Secretary (Comptroller) also performs such other duties as the Secretary or Deputy Secretary may prescribe.

Question. The Deputy Secretary of Defense.

Answer. Please see the answer to A above.

Question. The other Under Secretaries of Defense.

Answer. My relationship with all other senior officials of the Department will, for the most part, be based on the role described above. If confirmed, I will work closely with the other Under Secretaries to carry out the policies and guidance of the Secretary and Deputy Secretary.

Question. The Assistant Secretaries of Defense.

Answer. My relationship with the Assistant Secretaries of Defense and other senior officials of the Office of the Secretary of Defense would be similar to that described above in relation to the other Under Secretaries of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. If confirmed, I intend to work closely with the Chairman and Joint Staff on resource and financial management issues.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of the Military Departments carry out the policies of the President and the Secretary of Defense in their respective Military Departments and formulate recommendations to the Secretary and to the Congress relating to their Military Departments and the Department of Defense. If confirmed, I intend to work closely with the Secretaries of the Military Departments, and specifically, their Assistant Secretaries for Financial Management. I will ensure that they are aware of the President's and the Secretary of Defense's policies and priorities and assist them in contributing to the successful development and implementation of effective DOD policies and programs.

Question. The heads of the defense agencies.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, work closely with the heads of the defense agencies, and specifically, with our financial management counterparts in those agencies. I will ensure that they are aware of the President's and the Secretary of Defense's policies and priorities and assist them in contributing to the successful development and implementation of effective DOD policies and programs.

Question. The Assistant Secretaries for Financial Management of the Services.

Answer. In the role of Comptroller and Chief Financial Officer for the Department, I will, if confirmed, work closely with the Assistant Secretaries of the Military Departments for Financial Management in the development and execution of the budgetary and fiscal policies and initiatives of the President and the Secretary of Defense.

Question. The General Counsel.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, rely on the General Counsel, who is the Chief Legal Officer of the Department of Defense, on all legal matters, and will consult and coordinate with the General Counsel on all matters relating to programs, projects, and activities of Department of Defense, as well as matters relating to financial management, accounting policy and systems, management control systems, and contract audit administration, that may have legal implications.

Question. The Inspector General.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, consider it my responsibility to support the Department of Defense Inspector General (DODIG) in carrying out his or her duties as set forth in the Inspector General Act.

Question. The Director, Office of Program Analysis and Evaluation.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, consider it my responsibility to support the Director of the Office of Program Analysis and Evaluation (PA&E) in fulfilling his or her role of providing independent assessments for acquisition systems. I will also work with the Director of PA&E to ensure the success of the combined program/budget review.

DUTIES OF THE COMPTROLLER

Question. The duties of the Comptroller of the Department of Defense are set forth in section 135 of title 10, United States Code, and in DOD Directive 5118.3. Among the duties prescribed in statute are advising and assisting the Secretary of

Defense in supervising and directing the preparation of budget estimates of the Department of Defense, establishing and supervising Department of Defense accounting policies, and supervising the expenditure of Department of Defense funds.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. I expect that he will charge me with duties that are consistent with the statute.

This would include developing budget estimates that properly support our military forces.

In addition, I believe that he will expect the Comptroller's office to closely monitor the execution of funds to ensure that they are used effectively, efficiently and in a manner consistent with legislative requirements.

With respect to financial management, he will want me to continue the progress the Department has made toward meeting its business management modernization goals and ensure compliance with the provisions of the Chief Information Officers Act and other relevant legislative requirements.

Question. What background and experience do you possess that you believe qualifies you to perform the duties of the Comptroller?

Answer. My previous assignments in the Department of Defense, on the House Appropriations Committee, in the Office of Management and Budget (OMB), and most recently as Chief Financial Officer for the FBI have required daily and extensive involvement in budget and financial management issues.

I have led and managed offices with responsibilities similar to those in the Comptroller organization.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer. Through my previous assignments I have had extensive experience with a wide range of the Department's budgeting and financial management activities, which will enable me to successfully carry out my duties as the Comptroller, if confirmed.

Question. Do you expect Secretary Rumsfeld to make any changes in the duties of the Comptroller as set out in DOD Directive 5118.3?

Answer. I have not had the opportunity to discuss such matters with Secretary Rumsfeld. Therefore, it would be premature to offer any thoughts on the question at this time.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Under Secretary of Defense (Comptroller)/Chief Financial Officer?

Answer. I believe that there are two primary challenges confronting the next Comptroller:

- First, the Comptroller must prepare and manage a budget that supports the welfare and morale of our men and women in uniform; finances the operational requirements necessary to fight and win the global war on terrorism; and supports the continued transformation of the Department's forces and weapons systems.
- Second, the Comptroller must continue the progress made to modernize our business systems and meet the goals set by the Secretary of Defense, particularly to reform the Department's financial management systems.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work closely with the Joint Staff, the Services, and senior members of the Department, OMB, and Congress to address the resource requirements of the military. Also, if confirmed, I will move aggressively to meet the goals for the modernization of our business systems.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to section 114 of title 10, U.S. Code, is necessary before funds for operations and maintenance, procurement, research and development, and military construction may be made available for obligation by the Department of Defense?

Answer. I understand that it has been the Department's practice to work with all the oversight committees to resolve these matters. If confirmed, I will respect the prerogatives of the Department's oversight committees and will work closely with the committees to achieve a consensus necessary to meet our defense needs.

SUPPLEMENTAL FUNDING FOR MILITARY OPERATIONS

Question. At what point, if any, do you believe it will be appropriate to include funding for military operations in Afghanistan and Iraq in the Department's annual budget requests?

Answer. There are many factors that need to be considered in such a decision, including the views of Congress. If confirmed, I will carefully consider all these factors as we develop budgets to meet our defense requirements.

Question. In your view, will the Services have sufficient funding to cover current operations in Iraq and Afghanistan through the current calendar year?

Answer. I do not know the precise status of funds and therefore cannot make a judgment at this time. If confirmed, I will work closely with the Services to assist in providing sufficient funding to meet the operational requirements in Iraq and Afghanistan through the remainder of the calendar year.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense (Comptroller)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

CHIEF FINANCIAL OFFICER

Question. DOD Directive 5118.3 designates the Comptroller as the Chief Financial Officer of the Department of Defense.

Does Secretary Rumsfeld intend to continue to designate you, if confirmed as the Comptroller, as the Chief Financial Officer of the Department of Defense?

Answer. Yes.

Question. If so, what would be your major responsibilities as Chief Financial Officer?

Answer. If confirmed as the Chief Financial Officer for DOD, I would have the duties established in the Chief Financial Officers Act, which include the responsibilities to:

- oversee all financial management activities relating to the programs and operations of DOD;
- develop and maintain integrated agency accounting and financial management systems;
- direct, manage, and provide policy guidance and oversight of DOD's financial management personnel, activities, and operations;
- prepare audited financial statements; and
- monitor the financial execution of budgets.

BUSINESS MANAGEMENT MODERNIZATION PROGRAM

Question. For the past 3 years, the administration has pursued a Business Management Modernization Program (BMMP) aimed, in part, at correcting deficiencies in the Department's financial management and ability to receive an unqualified "clean" audit. Two years ago, Secretary Zakheim testified before the Readiness Subcommittee that DOD's financial management modernization would be complete by 2007. At that time, he stated, DOD would be able to provide a full, repeatable accounting of resources and funding.

Do you expect DOD to meet that 2007 time line for financial modernization?

Answer. I have not been involved in the efforts ongoing at the Department, but will certainly support the efforts to achieve the goal of a clean audit opinion on the Department's 2007 financial statements. I will reserve judgment on how long full

financial management modernization will take until I have had the opportunity to assess the Department's plans and progress.

Question. If not, do you support continuing the BMMP?

Answer. I support the goals and objectives of the BMMP. If confirmed, I plan to review its progress toward the achievement of the 2007 time line.

Question. The BMMP advocates top-down leadership in establishing an enterprise architecture for business systems modernization. The Services, however, appear to be taking the lead in establishing their own pilot programs for modernizing business systems, despite the risk that a Service-led approach could produce numerous incompatible systems.

Do you advocate an OSD-led approach to business modernization?

Answer. Yes. I believe it is critical that we have top management lead this effort.

Question. If so, what controls are in place to ensure such an approach takes place?

Answer. My understanding is that the Department has in place an extensive governance process to ensure strong OSD leadership of DOD business modernization.

If confirmed, I will work to ensure that OSD governance and controls are sufficient to ensure consistency with BMMP across the entire department. I will review the program to determine whether or not additional controls are needed.

Question. A critical requirement of the BMMP is an "enterprise architecture" that would establish standards and requirements for modernization or new acquisition of business information technology systems.

Why is establishing an effective enterprise architecture so important?

Answer. An effective enterprise architecture will provide the road map to ensure that future IT investments contribute to achieving an integrated DOD network of business systems.

It will enable the Department to consolidate the essential business rules with which all business IT systems must comply to ensure efficient and effective processing of the Department's business transactions.

In addition, it will allow the Department, for the first time, to evaluate the impact of business decisions made in one functional area on the other functional areas within the Department.

Question. When can Congress expect to see a fully developed enterprise architecture?

Answer. I do not have all the details of the current plan. However, I understand that because the Department of Defense is so large, an incremental approach is the only practical option to develop the architecture. I understand that the first increment of the architecture will be ready by fall 2004 and will support an unqualified audit opinion on the Department's consolidated fiscal year 2007 financial statements. If confirmed, I will keep Congress informed of the Department's progress to fully develop an enterprise structure.

Question. One of the key facets of the BMMP is the establishment of functional domains.

Please describe the purpose of functional domains.

Answer. As I understand it, "domain" is the term the Department uses for its major business functional areas, which are Logistics, Acquisition, Installations and Environment, Human Resources Management, Accounting and Financial Management, Strategic Planning and Budgeting, and Technical Infrastructure.

The goal is to overhaul business systems in each of these areas.

Question. Are you supportive of the current construct, or do you plan to revise these functional domains?

Answer. I am unable to make a judgment at this time without additional detail. If I am confirmed, I will review the current construct, the progress made to date, plans for moving the Department forward and recommendations for improving the process.

REQUIRED REVIEW OF SYSTEMS IMPROVEMENTS

Question. Section 1004(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 required the Department to review all financial systems improvements to ensure they comply with the newly defined enterprise architecture.

If confirmed, how would you comply with the requirements set forth in section 1004(d)?

Answer. If confirmed, I would review the actions already underway to fulfill this legal requirement, and work to make whatever changes or additions that are needed to achieve full compliance.

GAO RECOMMENDATIONS FOR REFORM

Question. In recent testimony before the Readiness and Management Support Subcommittee, the Comptroller General of the United States, David M. Walker, offered two suggestions for legislative consideration which, in his words, are intended "to improve the likelihood of meaningful, broad-based financial management and related business reform at DOD." These included establishing a senior management position in the Department to spearhead DOD-wide business transformation efforts, and giving the leaders of DOD's functional areas, or "domains," control of systems investments.

What is your view of these suggestions?

Answer. I would need to carefully review the recommendations before making a judgment. However, if confirmed, I would be happy to review the suggestions in light of the Department's progress and plans for future financial management reforms and provide those views to the committee.

Question. Do you have any recommendations to ensure that reforms currently underway continue for the foreseeable future?

Answer. I agree that sustained high-level leadership is critical to success. If I am confirmed, I will work toward maintaining and sustaining high-level support for these reforms.

Question. In his written testimony, Mr. Walker asserted that the Services continue to make "their own parochial decisions" regarding investments, without receiving the scrutiny of the DOD Comptroller. The GAO suggestion that DOD's functional areas, or domains, receive and control the Services' funding for systems investments is designed to counter those parochial tendencies.

In your judgment, is the establishment of such controls within OSD feasible? If so, should such controls be exercised within the Comptroller's office?

Answer. I think these controls are important for success. If confirmed I will work to ensure that the department will comply with public law on business system investment decisions.

Question. Mr. Walker has also testified that the Department of Defense should fix its financial management systems before it tries to develop auditable financial statements. According to Mr. Walker, "Given the size, complexity, and deeply ingrained nature of the financial management problems facing DOD, heroic end-of-the-year efforts relied on by some agencies to develop auditable financial statement balances are not feasible at DOD. Instead, a sustained focus on the underlying problems impeding the development of reliable financial data throughout the Department will be necessary and is the best course of action."

Do you agree with this statement?

Answer. I agree that modernizing the Department's business systems is the only long-term, sustainable solution to its financial reporting inadequacies. In general, I support the current complementary measures the department is taking to obtain acceptable financial statements by 2007. If confirmed, I will carefully review the Department's initiatives in this area and make changes if necessary.

COORDINATION WITH THE NETWORKS AND INFORMATION INTEGRATION (NII) OFFICE

Question. The Office of the Assistant Secretary of Defense for NII plans to establish a systems engineering oversight board to ensure that development and implementation of new systems adhere to the established enterprise architecture.

What is your understanding of the progress to date in establishing this board?

Answer. Successful transformation of the Department's business practices depends in large part on how well people work together inside the Pentagon. I need to learn more about the systems engineering oversight board you referenced. However, if confirmed, I will coordinate all business transformation efforts with the Assistant Secretary of Defense for NII.

Question. What is your understanding of whether the office of the Assistant Secretary for NII will coordinate with the DOD Comptroller to prevent duplication of effort?

Answer. It is my understanding that the BMMP is co-chaired by the DOD Comptroller and the Assistant Secretary of Defense for NII. If confirmed, I would continue my predecessor's efforts to coordinate Business Enterprise Architecture (BEA) initiatives and BMMP related policies and directives with NII to avoid duplication.

IMPROPER USE OF FIRST AND BUSINESS CLASS TRAVEL

Question. The GAO recently reported that breakdowns in internal controls resulted in improper first and business class travel by DOD employees, and increased costs to taxpayers.

What actions has DOD taken in response to this report?

Answer. I am not current on all the measures that DOD has taken in this regard. If confirmed, I will ensure that the Department implements policies and controls to correct problems in internal controls identified by GAO, and to analyze data from the travel card program to monitor compliance.

TRAVEL AND GOVERNMENT PURCHASE CARDS

Question. The increased use of government travel and purchase cards were significant financial and acquisition reform initiatives of the past decade. Concerns, however, have been raised in the past several years about the controls put in place for both the travel and purchase cards.

What is the status of DOD efforts to ensure proper controls are in place that will not jeopardize the benefits accrued from the proper use of these cards?

Answer. I know from my previous experience at the Department that a number of actions were taken to strengthen controls for both the travel and purchase cards. If confirmed, I will work with the Services to ensure that policies and controls are in place to identify problems and to monitor the future performance of these programs.

RESERVE COMPONENT MILITARY PAY SYSTEMS

Question. The GAO recently completed a report that identified extensive problems with the National Guard's pay system. Modernizing the military payroll system is part of the longer term Business Management Modernization Program, however, it is essential that corrections be made immediately in this system to minimize personal hardships on deployed guardsmen, reservists, and their families.

What will you do to address these pay problems in both the short and long term?

Answer. I believe it is of the utmost importance that all service members are paid correctly and on time. If confirmed, I will review and analyze current operations to ensure that we have implemented viable processes and systems to ensure that all service members are paid properly.

INVENTORY MANAGEMENT

Question. Do you believe DOD has adequate information about and controls over its inventory?

Answer. I understand that the Department has had problems relating to control over its inventories and audit of its financial statements. Material weaknesses preclude DOD from providing reasonable assurance that its assets are being adequately protected and that inventory is not misstated on its financial statements.

Question. If not, what steps would you take, if confirmed, to improve inventory management?

Answer. If confirmed, I will work with the Under Secretary of Defense (Acquisition, Technology, and Logistics) to ensure that proper physical controls, as well as acceptable valuations, of the Department's inventory are incorporated into the new business processes and systems. As the Department transforms its business processes and transitions to new systems, these weaknesses should be resolved.

GOVERNMENT PERFORMANCE AND RESULTS ACT

Question. If confirmed as Comptroller, what would your responsibilities be with respect to DOD implementation of the requirements of the Government Performance and Results Act (GPRA) to set specific performance goals and measure progress toward meeting them?

Answer. I would collaborate with the Director, Program Analysis & Evaluation, to ensure that the Annual Defense Report includes realistic annual performance goals and corresponding performance measures and indicators. These executive-level goals and metrics should represent the leading performance trends that the Secretary must monitor to manage risk across the Department, and to maintain progress toward accomplishing the long-term outcomes of the defense strategy.

Question. What additional steps can the Department take to fulfill the goal of the GPRA to link budget inputs to measurable performance outputs?

Answer. If confirmed, I would work with the Director, Program Analysis and Evaluation to encourage the Components to make sure that the performance goals (and associated measures of performance) of their individual strategic plans support the overall outcome goals of the defense strategy.

Question. Do you believe the Department should not be required to pay for environmental damage it causes?

Answer. I believe that the Department should mitigate environmental damage caused by its actions, as required by law.

COLLECTION OF CONTRACTOR TAXES

Question. The Comptroller General has reported that the 27,100 DOD contractors owe more than \$3.0 billion in back taxes, and that the Department of Defense has not fulfilled its duty under the Debt Collection Improvement Act of 1996 to help recoup these back taxes.

What steps will you take, if confirmed, to improve the Department's performance in this area?

Answer. I am committed to doing what is necessary to help the Department of Defense fulfill its duty under the Debt Collection Improvement Act of 1996—to include the collection of all monies owed to the Federal Government from any contractor with whom we are doing business. If confirmed, I will take the steps necessary to ensure the Department has processes and systems in place to be fully compliant with the Debt Collection Improvement Act of 1996. I look forward to working with other government agencies to improve the tax collection process.

Question. Do you believe that the Department needs additional statutory authority to be effective in identifying and recovering back taxes from contractors?

Answer. If confirmed, I will explore this issue with other agencies, specifically the IRS and the Treasury, after which I can better address the need for legislation.

LEASING MAJOR WEAPON SYSTEMS

Question. The recent DODIG report on the Air Force 767 tanker lease proposal raises significant concerns over leasing versus purchasing major military equipment. The Department created a "Leasing Review Panel," co-chaired by the Comptroller, to review all major leasing agreements, but that panel did not discover the problems with the tanker lease that the DODIG has identified.

What is your opinion of leasing versus buying major capital equipment?

Answer. The potential benefits of leasing need to be carefully balanced against total ownership costs. Leasing may have potential benefits to the Department and to the Military Services such as greater flexibility in dealing with transformation and changing requirements. In some cases therefore, it may make sense to pursue leasing as an acquisition alternative.

Question. Do you anticipate making significant changes to the Leasing Review Panel to ensure that it is prepared to effectively review future leasing proposals?

Answer. I am not familiar with the workings of the Leasing Review Panel. However, if confirmed, I will review the operating guidelines of the Leasing Review Panel to ensure that proposed leasing arrangements are reasonable from a budgetary perspective, display good financial stewardship, comply with all laws and regulations and obtain needed defense capabilities in the most cost-effective manner possible.

Question. The DODIG report concludes that the proposed tanker lease failed to meet three of the six criteria for an operating lease as described in OMB Circular A-11. What is your view of this issue?

Answer. I am not familiar with specific details of the DODIG Report. If confirmed, I intend to review the DODIG Report and the specific recommendations of the Inspector General.

BASE CLOSURE SAVINGS

Question. The Department has asserted that additional base closures are needed to bring the Department's base structure in line with its force structure.

In your view, have the previous base closure rounds resulted in significant reductions in DOD costs?

Answer. Yes. I understand that independent studies conducted by the General Accounting Office and the Congressional Budget Office have consistently supported the view that realigning and closing unneeded military installations produces savings.

Question. If similar savings result from future base closures or realignments, do you believe there are unfunded needs within the Department that could benefit by redirecting resources away from excess infrastructure?

Answer. Yes, savings that may result from future base realignments and closures would help transform the Department of Defense. Funds no longer required to operate, sustain, and recapitalize eliminated excess physical capacity could be used, among other things, to recruit quality people, modernize equipment and infrastructure, and develop capabilities needed to meet 21st century threats.

LONG-TERM ENVIRONMENTAL LIABILITY OF THE ARMED FORCES

Question. GAO has noted that DOD continues to lack a complete inventory of contaminated real property sites, which affects DOD's ability to assess potential environmental impact and to effectively plan, estimate costs, and fund cleanup activities.

In determining the long-term budget for the Department of Defense, what is the current estimated total cost of environmental restoration, compliance, and conservation, and any other environmental costs, including pollution prevention and technology R&D?

Answer. I understand that the Department's financial statements for fiscal year 2003, show that total environmental liability for fiscal year 2003 is approximately \$61 billion.

Question. What is the Department's plan to refine this estimate to meet GAO's concerns?

Answer. I have not been involved in the Department's discussions on how it plans to refine the estimate. If confirmed as the Comptroller, I will work with the Services to improve their estimating processes and to maintain an up-to-date inventory of sites requiring environmental cleanup.

[The nomination reference of Tina Westby Jonas follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 11, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller), vice Dov S. Zakheim, resigning.

[The biographical sketch of Tina Westby Jonas, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOLOGICAL SKETCH OF TINA W. JONAS

Ms. Jonas entered government service in 1986 and has served in both the executive and congressional branches of government. Her work includes over a decade of professional budget experience in the national security field. From 1995 to 2001, she served as a professional staff member for the United States House of Representatives on the House Committee on Appropriations, Defense Subcommittee. Other outstanding assignments include serving as a senior budget examiner in the Intelligence Branch of the National Security Division at the Office of Management and Budget (1991-1995), Congressional Affairs Specialist with the Arms Control and Disarmament Agency (1990-1991), associate staff member with the Select Committee to Investigate Covert Arms Transactions with Iran (1987-1988), and a legislative aid for Representative Bill McCollum (1986-1990).

On April 30, 2001, Ms. Jonas was sworn in as the Deputy Under Secretary of Defense for Financial Management at the Department of Defense. In that capacity, Ms. Jonas was the principal adviser to the Department of Defense Chief Financial Officer and other senior Department of Defense officials for accounting, financial reform, and fiscal matters. Evaluating over 1,100 financial and feeder systems, Ms. Jonas served as the focal point for automated and process reform within the Department of Defense, providing the financial and analytical services necessary for effective and efficient use of the Department of Defense's resources.

In August 2002, Ms. Jonas joined the Federal Bureau of Investigation (FBI). In her current position, she serves as the FBI's Chief Financial Officer and Assistant Director of the Finance Division.

Ms. Jonas earned a Bachelor of Arts degree in Political Science from Arizona State University in 1982 and a Master in Arts in Liberal Studies with a concentration in International Affairs from Georgetown University in 1995.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Tina Westby Jonas in connection with her nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. Name: (Include any former names used.)

Tina Westby Jonas.

Tina Westby (Maiden name).

2. Position to which nominated:

Under Secretary of Defense (Comptroller).

3. Date of nomination:

March 11, 2004.

4. Address: (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. Date and place of birth:

April 4, 1960; Oak Park, Illinois.

6. Marital Status: (Include maiden name of wife or husband's name.)

Married to David Sall Jonas.

7. Names and ages of children:

None.

8. Education: List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Arizona State University, 1978 to 1982, Bachelor of Arts, Political Science, 1982.
Georgetown University, 1992 to 1995 Master of Arts, Liberal Studies, 1995.

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Chief Financial Officer and Assistant Director (Finance Division), Federal Bureau of Investigation, FBI Headquarters, Washington, DC, August 2002 to Present.

Deputy Under Secretary of Defense, Department of Defense (Financial Management), The Pentagon, Washington, DC, April 2001 to August 2002.

Professional Staff, U.S. House of Representatives, Committee on Appropriations, Defense Subcommittee, The Capitol, Washington, DC, April 1995 to April 2001.

Budget Examiner, Office of Management of Budget, New Executive Office Building, January 1991 to April 1995.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

International Association of Chiefs of Police (IACP), Member.

Army and Navy Club, Member.

Philmont Country Club, Family Membership.

Republican National Committee, Contributor/Donor.

Meridian International Center, Contributor/Donor.

Holocaust Museum, Contributor/Donor.

Mount Vernon, Contributor/Donor.

St. Mary's Parish, Member.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Arizona State University, College Republicans, 1982.

Intern, Sellers for U.S. Senate, 1982.

Volunteer, George Bush for President, 1988.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Republican National Committee, Contributor/Donor (see below).

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

I have attached a listing of contributions that represent a good faith review of my financial records. If I find at a later date that I have omitted any contributions, I will report them to the committee at that time.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Department of Defense Medal for Distinguished Public Service, 2002.

Office of Management and Budget, Professional Achievement Award, 1992; Division Award, 1994.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I provided some informal opening remarks at the Department of Defense Professional Development Institute in 2002. I do not have a copy of the remarks. However, my memory is that I emphasized the importance of the Department's financial workforce in improving financial management. In addition, during my tenure I did testify before the House Government Reform Committee on the status of the Department's financial improvement efforts.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

TINA WESTBY JONAS.

This 15th day of March, 2004.

[The nomination of Tina Westby Jonas was reported to the Senate by Chairman Warner on May 12, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2004.]

[Prepared questions submitted to Dionel M. Aviles by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously have answered the committee's advance policy questions on the reforms brought about by the Goldwater-Nichols Act in connection with your nomination to be the Assistant Secretary of the Navy (Financial Management and Comptroller).

Have your views on the importance, feasibility, and implementation of these reforms changed since you testified before the committee at your confirmation hearing on June 27, 2001?

Answer. No, my views have not changed. As I stated at the time of my first confirmation hearing, I truly believe that our military is now stronger and more effective as a result of Goldwater-Nichols.

Question. Do you see the need for modifications of Goldwater-Nichols Act provisions based on your experience as Assistant Secretary of the Navy? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. I am not aware of the need for any specific modifications to Goldwater-Nichols. However, if confirmed, I am committed to working with Secretary England to continue to evaluate this law and make what recommendations I believe to be warranted.

DUTIES

Question. Section 5015 of title 10, United States Code, states the Under Secretary of the Navy shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

Assuming you are confirmed, what duties and powers do you expect to be assigned to you?

Answer. If confirmed, I expect that Secretary England will rely on me to support him in providing effective leadership for the Navy-Marine Corps team. Based upon his earlier testimony, I also expect that the Secretary will seek my assistance to focus on strategic business and management areas within the department as well as traditional leadership roles in areas such as personnel assignments and special program oversight.

Question. Secretary England has expressed the view that clarification of authority and responsibilities between the Service Secretaries and the executive offices within the Office of the Secretary of Defense is needed.

Do you agree with Secretary England's view, and, if so, please state specifically what changes you recommend?

Answer. Yes, I agree with Secretary England's view. This area is not clear in law and responsibilities between Service Secretaries and the executive offices within the Office of the Secretary of Defense vary depending on the individuals in these positions. Secretary England seeks clarification of roles and responsibilities between OSD and the Services. I support that recommendation.

RELATIONSHIPS

Question. If confirmed, what would your working relationship be with:

The Secretary of the Navy,
The Chief of Naval Operations,
The Assistant Secretaries of the Navy,

The General Counsel of the Navy,
The Vice Chief of Naval Operations, and
The Judge Advocate General of the Navy.

Answer. During my tenure as Assistant Secretary of the Navy (Financial Management and Comptroller) I worked very closely with each of these individuals as part of Secretary England's leadership team. This team approach is highly effective in addressing issues and solving problems important for the Department of the Navy and for the Department of Defense. I would expect to continue to be a part of this close knit team and would expect to take a larger role in orchestrating the team process.

Question. If confirmed, what changes, if any, would you recommend regarding the duties and functions of the Assistant Secretary of the Navy for Financial Management and Comptroller, as set forth in sections 5016 and 5025 of title 10, United States Code, or in regulations of the Department of Defense or Department of the Navy?

Answer. I would not recommend any changes.

MAJOR CHALLENGES AND PROBLEMS

Question. In your June 2001 responses to previous advance policy questions from this committee in connection with your nomination to serve as the Assistant Secretary of the Navy for Financial Management and Comptroller, you indicated your belief that providing adequate resources for the Navy's warfighting priorities and ensuring the availability of accurate, reliable and timely financial management information would be your most significant challenges.

What do you consider to be your most significant achievements in meeting these challenges during your service as Assistant Secretary of the Navy?

Answer. The most significant achievement has been the improvement of our current readiness account. Since 2001 the Department of the Navy has been able to resource current readiness accounts in order to provide combat ready forces whenever required. For fiscal year 2004 funding for core readiness accounts have increased approximately \$8 billion (nearly 22 percent), over the amount available for these purposes in fiscal year 2001. While these increases supported current readiness and warfighting capability, the Department was also able to increase modernization funding by \$9 billion (nearly 19 percent), over the same period. This was possible not only because of the significant amount additional resources provided by the Congress, but also because of the commitment by senior leadership in the Department of the Navy to change the way we do business. The Secretary of the Navy, the Chief of Naval Operations (CNO), and the Commandant of the Marine Corps (CMC) have fostered a culture of change where long held and cherished assumptions are challenged and every opportunity to drive out cost is explored in order to free up capital to invest in equipment modernization and transformation.

An additional significant achievement comes in the area of financial management. The Department of the Navy has developed a financial management improvement plan consistent with the larger Department of Defense goal of achieving an unqualified opinion on the fiscal year 2007 financial statements. This effort requires a significant commitment throughout Navy and Marine Corps commands in order to realize the goal. A near term result of this overarching effort has been the reduction in the time required to provide quarterly financial statements to approximately 21 days from the close of the reporting period. The Department of Defense did not previously provide quarterly statements and the normal standard of performance was to provide financial statements 4 months after the close of the fiscal year. While the overall effort to improve financial reporting is extremely important, it has not and will not come easily. It will require the sustained attention and commitment of the senior leadership of the Department and the support of Congress to succeed.

Question. How would you assess your accomplishments during your service as Assistant Secretary of the Navy in improving the readiness of the Department of the Navy and eliminating deficiencies?

Answer. I cannot claim any specific credit or individual accomplishment related to the improved readiness of the Department of the Navy. The improvements made in this area are principally a result of the changed culture brought about by the leadership of the Secretary of the Navy, the CNO and the CMC. Their unflagging drive to ensure that critical readiness functions were funded without sacrificing modernization priorities is what has properly motivated the leadership team to achieve the positive results we have enjoyed.

Question. What do you view as the major readiness challenges that remain to be addressed and, if confirmed, how would you approach these issues?

Answer. First, I would like to note the tremendous emphasis on readiness that has characterized the last 3 years. This commitment by Congress and the administration enabled the Navy and Marine Corps to respond so quickly and perform so well to Operation Enduring Freedom and Operation Iraqi Freedom. The challenges that remain will be in resetting our forces upon return from operations in Afghanistan and Iraq and support for future global war on terrorism activities. Combined with your strong support, and our pursuit of effectiveness and efficiency, we have been able to meet readiness challenges. If confirmed, I would expect to continue to play a significant role in addressing future readiness challenges.

Question. In your view, what are the major challenges that will face the Under Secretary of the Navy?

Answer. The major challenge that will face the Under Secretary of the Navy will be the continued modernization and transformation of the finest Navy and Marine Corps in the world while assisting the Secretary of the Navy in addressing complex day-to-day issues associated with the follow-on phases of Operation Enduring Freedom, Operation Iraqi Freedom, and the over-arching global war on terrorism.

END STRENGTH

Question. The Navy's proposed budget for fiscal year 2005 includes reductions of 7,500 personnel in the active duty ranks and 2,500 in the Naval Reserve. The Chief of Naval Operations has publicly stated that his goal is to reduce the Navy's Active-Duty Force to 350,000 sailors from the current authorized level of 373,800.

What is your understanding of the justification for these significant reductions in active duty and Naval Reserve Forces?

Answer. The Navy's end strength goals represent a long-term policy to right size the manning levels on our ships as new technology and streamlined processes and procedures are introduced to the Fleet. The Navy also plans to reduce the number of sailors serving on shore duty and replace them, where needed, with civilian employees or contracted services from the private sector.

Question. How will the Navy achieve the reductions in active duty and Reserve Forces proposed for fiscal year 2005 and when will the end strength of 350,000 be realized?

Answer. To achieve the end strength reduction needed to match the Navy's manpower requirements, it will be necessary to use a number of different force shaping tools. Currently, there are a number of tools available to the Navy, such as the Perform to Serve Program and Assignment Incentive Pay. Historically, involuntary methods of force shaping have had a negative effect upon morale or retention. As such, we continue to explore voluntary methods that would allow us to effectively, and more precisely, shape the force without perturbing continued success in recruiting, retention, and the quality of service.

TRANSFORMATION

Question. Secretary Rumsfeld has established transformation of the Armed Forces to meet 21st century threats as one of the Department's highest priorities and has stated that only weapons systems that are truly transformational should be acquired. Secretary England has stated that the naval services will continue on the path of transformation to better tailor naval forces to meet new threats to America and to continue to emphasize combat capability, personnel, and technology and business practices.

Please describe your understanding and assessment of the Navy's transformation plans.

Answer. The Secretary of the Navy's transformational roadmap for this department unequivocally shares the same high priority and desired end-state that the Secretary of Defense envisions for all of Defense. Navy's transformation plans though demanding and far-reaching, are already beginning to create the Navy of the future. Our transformational roadmap challenges the practices and assumptions of the past and seeks changes in concepts, processes, and capabilities to achieve not just more jointness, but true integration and interoperability. The Global Concept of Operations and Fleet Response Plan are just two examples of how new thinking can improve the geographic dispersion of naval power and time of response during crises, respectively. These concepts take advantage of focused manpower and our recent readiness investments, but do not involve buying 'new things.' New acquisition programs, however, such as CVN-21, DD(X), LCS, and the JSF as well as reconfigured platforms such as SSGN and DDG-51 improvements, all electronically netted together, incorporate the advanced technologies and intelligent industry initiatives that dramatically improve capabilities and reduce operating risk of joint forces.

Question. What is your vision for Navy and Marine Corps Transformation?

Answer. I believe Sea Power 21, the Navy—Marine Corps team's transformation vision, encompasses and integrates powerful extensions to current joint capabilities, as well as a range of innovative new capabilities. Seabasing is the overarching expression of this vision, incorporating the initiatives that will allow the joint force to fully exploit our Nation's command of the sea and unfettered access to the far corners of the globe, to project (Sea Strike), to protect (Sea Shield), and to sustain integrated warfighting capabilities (FORCEnet). The emerging challenges of the 21st century demand we have a Joint, netted, power projection force that offers flexible and persistent combat capability. I believe the Naval Transformation Roadmap briefly outlined above helps take us there.

Question. In your view, what will be the role of the Naval Reserve in the transformed Navy?

Answer. The role of the Naval Reserve is and will be to provide ready, relevant forces to augment or reinforce the active component. The Fleet Forces Command is reviewing all Reserve programs to ensure the optimum integration of Active and Reserve Forces in the future. Naval Reserves must be seamlessly integrated with the active Force whenever and wherever needed.

LOW DENSITY/HIGH DEMAND FORCES

Question. If confirmed, how would you address the Department of the Navy's challenge in manning low density/high demand units, ratings, and occupational specialties?

Answer. As Secretary England noted in his confirmation testimony last year, the challenge in manning low density/high demand units and occupational specialties will become greater in the future as technology becomes more sophisticated and fewer, but more skilled and more multi-functional sailors and marines are needed. Moreover, the challenge in this personnel area today is particularly important for the Navy and Marine Corps since the unique skills and specialties possessed by our people in some of these units are critical to our capability to prosecute the global war on terrorism. Therefore, sustaining the right quality and quantity of personnel is essential to maintaining optimum capability.

The Chief of Naval Operations and the Commandant of the Marine Corps have a number of transformational initiatives underway in this arena, commonly referred to as the "war for people." If confirmed I would assist the Secretary and his senior military leadership in fostering these ongoing programs and initiatives.

MORALE, WELFARE, AND RECREATION CUTS

Question. The Navy's budget for fiscal year 2005 reduces appropriated funding for morale, welfare, and recreation programs from \$397 million in 2004 to \$342 million in 2005.

What is the rationale for cuts of this magnitude and how will they be distributed throughout the Navy?

Answer. In keeping with the Department of Defense's strategy of transformation in the 21st century, Navy is engaged in an aggressive search for efficiencies in all facets of shore installation management, including MWR programs. The effort is linked to the CNO's Sea Power 21 initiative to identify shore installation management savings that can be realigned to recapitalize the Navy's combat platforms.

While the overall MWR budget request is down for fiscal year 2005, we intend to support fully core MWR programs.

Question. What impact will these reductions have on sailors and their families and on specific programs supporting Navy dependents such as community centers and child care centers?

Answer. The Navy is currently engaged in a complete review of fiscal year 2005 MWR funding and the potential impacts of reductions. The Navy intends to ensure that the outside of the continental United States and afloat programs are funded to meet the unique requirements of those populations. Additionally, the Navy does not intend to discontinue any MWR programs within the continental United States that are well supported by patrons, to include childcare centers.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Secretary England has indicated that the Navy will be the first Service to implement the provisions of the National Security Personnel System (NSPS), which was adopted last year as part of the National Defense Authorization Act for Fiscal Year 2004. The NSPS authorities are intended to increase the flexibility of Departmental leaders in managing the civilian workforce. As many as 300,000 positions within the Department of Defense are scheduled to be converted to the NSPS by October 1, 2004.

If confirmed, what role will you play in implementation of the NSPS for civilian personnel in the Navy?

Answer. The Department of Defense (DOD) has recently reviewed its process to design and implement NSPS and is adopting a comprehensive, collaborative approach that will take the time necessary to design it right and not be driven by a pre-determined implementation date. Thus the October 1, 2004, date no longer applies. If confirmed, I will assist Secretary England in the design and implementation of NSPS. Currently, the primary responsibility for implementation of NSPS within the Department of the Navy is the Assistant Secretary for Manpower and Reserve Affairs. It is my understanding that these responsibilities will not change if I am confirmed.

Question. What are the fundamental principles that you will apply in managing personnel reform of this magnitude?

Answer. Secretary England has identified a number of fundamental principles that, if confirmed, I would apply. These include comprehensive communications, personnel training, and a phased process to ensure that we can capture lessons learned and correct problems early.

Question. How will you involve unions and the Office of Personnel Management (OPM) in the implementation of the NSPS within the Navy?

Answer. Both Secretary England and Dr. Chu, Under Secretary of Defense (Personnel and Readiness) have emphasized the need for a collaborative approach with all NSPS stakeholders, including OPM and our union representatives. The solicitation of union input on the design of the system and regular communication during deployment are important for NSPS's success.

Question. What steps will you take to fully inform civilian employees of the changes which are being planned?

Answer. The Department is developing a comprehensive communications plan to ensure effective communication with employees. I expect that we will use a variety of tools including e-mails, web sites, town hall meetings and articles in DOD papers to reach all of our employees.

NAVY AND MARINE CORPS PERSONNEL RETENTION

Question. The retention of quality sailors and marines, officer and enlisted, active-duty and Reserve, is vital to the Department of the Navy.

What initiatives would you take, if confirmed, to further improve the attractiveness of active and Reserve component service?

Answer. Our retention rates remain high. However, in order to continue this success, it is essential to rely upon existing tools as well as new, innovative approaches. Secretary England has previously identified a number of innovative techniques that should be studied further. These techniques include, performance based compensation, employment portability for spouses, and better integration of active and Reserve personnel. If confirmed, I will assist Secretary England in the further evaluation, and if appropriate, utilization of these techniques.

NAVY EXPEDITIONARY WARFARE

Question. Section 5038 of title 10, United States Code, establishes a requirement to maintain a position of Director of Expeditionary Warfare on the staff of the Chief of Naval Operations. This officer's duties, as described in that section, are to provide staff support for issues relating to "amphibious lift, mine warfare, naval fire support, and other missions essential to supporting expeditionary warfare." Congress established this requirement after the 1991 Persian Gulf War in an effort to address critical shortfalls in these areas, particularly in the area of mine countermeasures capabilities. There have been recent press reports that the Department of the Navy intends to abolish this office.

What is your understanding of the Department of the Navy's plans, if any, for changing the current status of the Director of Expeditionary Warfare and the functions for which the Director is responsible?

Answer. It is my understanding that the Department has no plans at this time to either change the status of the Director of Expeditionary Warfare (N75) or his responsible functions. Last fall several initiatives for reorganizing portions of the Office of the CNO staff were explored to include potential impacts on N75. The final reorganization plan, however, did not impact the status of N75 under section 5038, title 10, United States Code.

Question. Do you believe that a change to the legislation would be required to implement such a change?

Answer. Yes, and I would expect that Congress would be briefed before any proposed change was advanced.

BALLISTIC MISSILE DEFENSE

Question. Do you regard ballistic missile defense as a core mission of the Navy?

Answer. Ballistic Missile Defense is an important capability for the Nation. Navy systems and tests have shown great promise in recent years. I fully support the recent agreement between Navy and the Missile Defense Agency (MDA) that provides full time commitment of an Aegis equipped cruiser to MDA, as well as a plan to modify other Aegis equipped ships to conduct MDA missions when required.

Question. Do you support the current division of responsibility in which the MDA is responsible for ballistic missile defense research and development and the services are responsible for procurement of ballistic missile defense systems?

Answer. Navy and MDA are working together to develop and field the systems that will deploy on board ships. I believe that both organizations are doing what they do best to support the delivery of a range of capabilities over the entire ballistic missile defense system. In the future, as MDA continues to improve the ballistic missile defense system through spiral development, a collaborative process is being refined to ensure that shipboard systems are upgraded accordingly.

Question. What steps do you believe the Navy needs to take to ensure that Aegis ships are available to provide radar coverage against potential missile attacks?

Answer. The Navy will have an important role in the ballistic missile defense mission. We have worked collaboratively with MDA, as well as with the combatant commanders, to deliver the Navy component of an integrated defense system. The ships that will initially perform the ballistic missile defense mission are modified and MDA is currently producing the computer programs that they will require to perform the mission. The operational chain of command continues to develop the tactics, techniques, and procedures that will be used when initial defensive operations commence this fall. Detailed training for our sailors has been underway for over a year now.

CRUISE MISSILE DEFENSE

Question. In your view, how serious is the cruise missile threat to the Navy?

Answer. The emerging generation of advanced cruise missiles is one of the primary threats to Navy ships. Cruise missiles are widely proliferated and the Office of Naval Intelligence estimates that over 75 countries will be capable of deploying cruise missiles. The vast majority are older sub-sonic missiles such as Styx, Exocet BLK I and Harpoon. However, several nations including Russia, China, India as well as western nations are expected to field, in the near term, more capable cruise missiles. The attributes of anti-ship missiles that challenge US Navy air defenses include higher speed, greater maneuverability, and reduced signature.

Question. If confirmed, what actions would you take to ensure that the Navy is adequately addressing this threat?

Answer. There are a number of programs currently being developed to address the anti-ship cruise missile threat. For example, the Navy is introducing sensor and combat systems improvements that enhance detection particularly in challenging littoral environments. To counter faster, more maneuverable threats, the Navy is developing improvements to Standard Missile variants, introducing the Evolved Sea Sparrow Missile and making upgrades to the Rolling Airframe Missile. Decoys and electronic countermeasures like NULKA and the Shipboard Electronic Warfare Improvement Program are also being fielded. If confirmed, I will assist the Secretary of the Navy in the continuation of these projects, as well as in any other programs he identifies that may better address the anti-ship cruise missile threat.

NUCLEAR-POWERED CRUISE MISSILE ATTACK SUBMARINE (SSGN) MISSILE TUBES

Question. What steps, if any, do you believe the Navy needs to take to ensure that non-nuclear launches from SSGN missile tubes are not mistaken for nuclear launches?

Answer. No additional steps need to be taken. SSGNs will carry non-nuclear Tomahawk cruise missiles. A non-nuclear cruise missile launch cannot be easily mistaken for a nuclear submarine launched ballistic missile due to differences in launch, trajectory, and flight characteristics.

NAVY FORCE STRUCTURE

Question. The Chief of Naval Operations has publicly stated that the Navy has a requirement for 375 ships.

Do you agree with this requirement?

Answer. The Chief of Naval Operations has stated that 375 is not an precise number, but one that is about the right number to analyze the types of scenarios and

the kind of forward presence commitments that this nation needs. I concur with the assessment that there is not a precise number. I concur with the Secretary of the Navy's Department of the Navy (DON) Objectives for 2004, which require the transformation of our naval military capabilities to achieve the objectives of Sea Power 21 and Marine Corps Strategy 21. Implementation of Sea Power 21 will require a strategy that will provide our Nation with widely dispersed combat power from platforms possessing unprecedented warfighting capabilities. The Navy's Global Concept of Operations was created to meet the requirements demanded of the global environment. This naval defense strategy calls for a fleet with the ability to respond swiftly to a broad range of scenarios and defend the vital interests of the United States.

Question. How will the Navy meet that goal?

Answer. As the Secretary of the Navy has stated in his DON Objectives for 2004 it is vital the Navy and Marine Corps fully understand and work toward developing, in concert with DOD and Congress, a financing strategy for shipbuilding.

The Navy's 30-year plan accurately documents the funding requirements and the Navy's budget submissions support the requirements with a balanced funding approach that meets the needs of the shipbuilding budget as well as the other funding challenges ahead. The Navy's fiscal year 2004 budget requested approximately \$12 billion for seven new ships, and fiscal year 2005 requests funding for \$10 billion for construction of nine new ships, a significant commitment toward achieving our needs. Over the long term, the shipbuilding funding level must continue to grow, and the Navy's budget plans accurately reflect that need. The Navy's shipbuilding plan is realistic in stating an average of \$14 billion will be required for an average build rate of approximately 11 ships per year. In addition to new construction, an average of \$2 billion per year is required for conversion and overhauls.

Question. In your view, what is the required number of ships for the Navy?

Answer. Per the Defense Planning Guidance, the required number of ships must be able to support an operationally agile fleet that is dispersed, netted, and part of the joint force, that will deliver the combat power needed to sustain homeland defense, provide forward deterrence in four theaters, swiftly defeat two aggressors at the same time, and deliver decisive victory in one of those conflicts. Currently the Navy's Global Concept of Operations will have the capability to increase striking power, enhance flexibility, and improve responsiveness. I support the Navy's objective force of about 375 ships using current crewing concepts and force rotational requirements. This number is subject to change based upon the types of ships that comprise the fleet and the evolution of the National security challenges facing the Nation.

Question. How will the Navy meet that goal?

Answer. In addition to a healthy and robust ship building funding profile, the Navy intends to use a combination of investments in new technologies, changes in crewing concepts, a surgeable fleet response plan and modernization of certain critical legacy systems and platforms to facilitate the fleet transition to the numbers, type and mix of ships required to execute the range of missions anticipated in the 21st century.

SCIENCE AND TECHNOLOGY (S&T) PROGRAM

Question. The fiscal year 2005 budget request for defense S&T still falls short of the Secretary of Defense's goal of dedicating 3 percent of the total defense budget to science and technology. In particular, the Navy science and technology program, especially the investment in long-term, innovative work which has been so successful in confronting emerging threats, has declined significantly over the last 3 years.

If confirmed, how do you plan to address the shortfalls in the Navy science and technology program?

Answer. Dedicating 3 percent of the overall defense budget for the S&T account is a worthy goal, but it may need additional structure to take into consideration other measures of S&T output. We are currently participating in an effort led by the Office of the Secretary of Defense in determining meaningful S&T efficiency and effectiveness output metrics. If confirmed, my recommendations to the Secretary of the Navy and the leadership team would be to invest wisely in technologies important to the Naval Services with clearly stated objectives, measurable milestones or progress advances and defined exit criteria.

MILITARY SPACE

Question. Do you believe that the current Department of Defense management structure for space programs sufficiently protects Navy space equities?

Answer. Yes, the Department of the Navy (DON) is a full partner in the Department of Defense management structure for space programs and is actively engaged

with national and joint space organizations on matters pertaining to space capabilities, development, space science and technology, research and development, acquisition, operations, and assessments.

Question. In your view, how actively should the Navy be engaged in the management of space programs?

Answer. The DON must remain heavily engaged in the management of space programs because of our critical dependencies on national and joint space systems. Our cadre of naval space experts play a critical role in ensuring space systems, such as transformational communications, are appropriately prioritized and realized within larger national and joint capabilities.

Question. In your view, is the Navy adequately involved in the requirements process for space programs?

Answer. Yes, the DON is actively involved in the space system capabilities development process. Our space experts are involved in the Joint Capabilities Integration and Development System (JCIDS) and the National Security Space acquisition process.

Question. What is the Navy's appropriate long-term role in space systems, other than as a user of space information and products?

Answer. Space has long been and will remain critical to naval warfighting. DON has been in and will remain in the forefront of operationalizing space, and currently leads the next generation narrowband system acquisition, Mobile User Objective System. DON also contributes with joint space S&T/research and development (R&D) initiatives, Naval Observatory enabling efforts as the provider of precise time and positional data to global positioning system (GPS) and other space assets, and direct participation in the National Reconnaissance Office.

JOINT OPERATIONS

Question. If confirmed, what recommendations, if any, would you have for improving joint force integration?

Answer. Joint force integration remains a challenge, but steps have been taken to improve the process. If confirmed, I would advance continuing the initiative started with the JCIDS and Enhanced Planning Process. These approaches will help ensure that from inception, future systems take into account joint integration needs. Additionally, as if confirmed as Undersecretary, I would support the Secretary of the Navy's call for a high priority to be placed upon commonality and interoperability across all Services.

LITTORAL COMBAT SHIP

Question. The Navy has selected three teams of contractors to develop concepts for the Littoral Combat Ship. There is much effort going into the development of the sea-frame for this ship.

Do you believe that there is enough emphasis on the focused mission modules, both from a funding and technical maturity standpoints?

Answer. Yes. The mission packages comprised of mission modules for the Flight 0 ships have been clearly defined and adequately funded. The Flight 0 mission modules are being selected from mature technologies that can be deployed in the near term. We have an extensive experimentation plan and fielding plan to ensure we balance technology risk with the ability to deliver capability.

Question. The Congressional Research Service (CRS), among others, says that the Navy's requirements derivation process for the Littoral Combat Ship was flawed and that as a result, the Littoral Combat Ship may not be the best approach to meet the needs identified by the Navy.

What is your view of this issue?

Answer. The Littoral Combat Ship (LCS) is derived from a solid foundation of analysis. The National Security Strategy and the Strategic Planning Guidance established the framework for addressing the gaps in the littorals. LCS was derived through analysis and experimentation to address mine warfare, anti-submarine warfare, and small surface boat threats in the littoral region. Analysis was performed to evaluate material and non-material approaches to close the capabilities gaps. The results of this analysis showed a relatively small, shallow draft, and high-speed ship (i.e., the LCS) was the best alternative. Industry proposals are being reviewed in a down-select process for the sea frame with award in May 2004.

My view of the issue is that the U.S. must address the gaps in littoral warfare capabilities today, not tomorrow. Analysis validates that LCS is the right solution to close those gaps and industry is ready to deliver those capabilities in new and innovative ways.

Question. If confirmed, what steps, if any, would you take to address the concerns raised by CRS?

Answer. If confirmed, I will continue to work with the senior leadership of the Department of the Navy to address these concerns.

SURFACE COMBATANTS

Question. With the early retirement of Spruance class destroyers, the Navy surface combatant fleet is declining significantly below the levels recommended by the 2001 Quadrennial Defense Review. While *Arleigh Burke* destroyers are still being built, the current Future Years Defense Program has *Arleigh Burke* construction stopping well before any DD(X)-class destroyers are near completion.

Do you believe it is wise to end construction of one class of destroyers before the next class is further along in design and construction? If so, why? What is the level of risk associated with such an approach?

Answer. The President's budget submission reflects the balance between force structure, industrial base, and the relative maturity of follow-on designs. If confirmed, I will support the Secretary of the Navy to keep that balance as a central consideration in future budgetary submissions. In this case, the end-year of the DDG-class production line corresponds with the start-year of procurement for both LCS and DD(X). We have an acceptable level of tactical and strategic risk at this point, but we now need to move forward with the new platforms required for the future.

Without question, both Navy and industry are committed to the success of the DD(X) program. It is the centerpiece of our future Navy, and we cannot afford to wait to get these ships to sea. We decided to assume a manageable level of risk to achieve important capability gains in our future surface combatants. The Engineering Development Modules for DD(X) are moving forward, LCS is moving forward as well, and at this point that the risk associated with both the DD(X) and LCS programs are acceptable.

OFFICER PROMOTION SYSTEM

Question. The Navy has had problems in the past with antiquated information systems supporting promotion selection boards and lengthy delays in forwarding reports of selection boards consistent with the requirements stated in the Senate report accompanying S. 2060 (S. Rept. 105-189).

What is your understanding of the adequacy of the information systems at Navy Personnel Command that support the Navy's promotion selection board processing?

Answer. Through a number of system upgrades since 2000, the Navy has steadily improved the processing of board records. This has furthered our goal of ensuring a fair, accurate, and unbiased process. Further information system upgrades to streamline the reporting process are under development. Navy has addressed reporting requirements to ensure commanding officers make potentially adverse information about an officer selected for promotion known before promotion takes place. If confirmed, I will assist Secretary England in his ongoing efforts to improve the selection board process.

Question. If confirmed, what steps will you take to ensure that complete and accurate reports of selection boards are forwarded to the Senate in a timely manner?

Answer. Secretary England reported earlier that Navy has undergone an exhaustive review of the processing of selection board reports within the Department of Defense and other reviewing authorities to ensure timely submission to the Senate. Problems previously experienced by the Navy in processing reports of selection boards were attributed to delays in the receipt of adverse information on officers selected for promotion. Efforts by Secretary England and uniformed leadership have greatly improved the receipt of this information for boards held this fiscal year. I am confident that these efforts will further expedite the process and ensure the timely submission of reports of selection boards. If confirmed, I will assist Secretary England by seeking further efficiencies to this process.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the Committee in recent years have testified that the military services under-invest in their facilities compared to private industry standards. Decades of under-investment in installations has led to increasing backlogs of facility maintenance needs, substandard living and working conditions, and has made it harder for the Services to take advantage of new technologies that could increase productivity.

Do you believe the Department of the Navy is investing enough in its infrastructure? Please explain.

Answer. Yes, much more so than in the past, today's facility investment strategy focuses on decisions that enhance shore readiness and quality of service, effectively maintain infrastructure assets to sustain operations in support of our deployed Naval Forces, and strive to recapitalize our facility inventory more consistent with private industry standards. The Navy's fiscal year 2005 budget request is a balanced product of this investment strategy. This is a major issue that we evaluate annually and will continue to review as part of our program and budget development process.

An important initiative to ensure proper and adequate infrastructure and installation funding, is the establishment of Commander, Navy Installations Command, a single office with the responsibility of improving the efficiency and effectiveness of Shore Installation Management (SIM). The consolidation of those functions from divesting claimants facilitated the establishment of common standards of operation, promoted new efficiencies through promulgation of best practices, and implemented Navy-wide SIM policies.

IMPLEMENTATION OF CHANGES FOR DISABLED RETIREES

Question. What is your understanding of the Navy's progress in implementing a system for payment of combat related disability pay and changes in law authorizing disabled retirees to receive both retired pay and veterans' disability compensation?

Answer. The Navy is making good progress in the implementation of Combat Related Special Compensation (CRSC). In April of 2003, the Naval Council of Personnel Boards was identified as the organization within the Department of the Navy to review all CRSC applications. The CRSC Branch stood up, and began reviewing applications on 1 June 2003. Since that time, the Navy has received over 8,700 applications.

Question. How many applications for special compensation for combat-related disability pay has the Navy processed since implementation in 2003 year, and how many will be processed before the end of 2004?

Answer. The Navy has received over 8,700 applications, processed over 5,300, and continues to process aggressively those outstanding applications. The total number of applications that will be received is unknown. In light of the new eligibility criteria established in the National Defense Authorization Act for Fiscal Year 2004, we now estimate that we will receive approximately 77,000 applications during the first 2 years of the program.

NAVY MARINE CORPS INTRANET

Question. It has been reported that the attack of the Welchia Worm on August 18, 2003, infected over 75 percent of the Navy Marine Corps Intranet (NMCI) workstations.

Can you describe what has been done to secure the NMCI network since then?

Answer. The Department has implemented both technological and process related improvements in an attempt to secure the NMCI network. We recognize that those who intend to practice cyber maliciousness will continue to evolve the viruses they use and that no system is 100 percent impervious against all viruses. However, we are committed to constantly improving the level of security in the system. Our current improvements served us well in January of this year during the major outbreak of the MyDoom.A virus. The private sector struggled with infection rates that ranged anywhere between 1-in-12 to 1-in-3 emails. NMCI recorded only 7 total infections out of more than 160,000 seats and all of these were quickly quarantined and cleaned before the infection got a foothold.

Question. What is the current status of the implementation of the NMCI program?

Answer. NMCI is operational. As of April 1st, 2004, EDS has "assumed operations" for over 303,000 DON seats and approximately 170,000 have been "cut-over", or transitioned, to the NMCI network.

NAVY TRAVEL CARD PROGRAM

Question. The Navy has been criticized by the General Accounting Office for its management of its purchase and travel card programs.

What actions have been taken by the Department to implement GAO's recommendations and provide more effective oversight of these programs?

Answer. The Department of the Navy has taken a number of aggressive actions to address recommendations to both the travel card and purchase programs. For the travel card these include critical review of major commands with high delinquencies to identify actions they will take to reduce delinquency and prevent misuse, mandating the use of split disbursements whenever possible to ensure recoupment of funds, closing unused accounts and accounts of personnel who have separated,

and increased training with the new instruction for all program personnel. These actions have dramatically reduced travel card delinquencies for both the Navy and the Marine Corps. The department will continue to monitor and review the travel card program to prevent and detect future fraud and misuse.

For the purchase card these steps also include a critical review of commands with high delinquency rates, increased training and requiring a 100-percent review by activity level managers of all transactions on a semi-annual basis. These direct actions have resulted in historically low levels of purchase card delinquencies for both the Navy and the Marine Corps and substantially reduced the number of improper purchase card transactions.

ACQUISITION WORKFORCE

Question. The Defense Acquisition Workforce Improvement Act (DAWIA) established specific requirements for managing the Defense Acquisition Workforce and authorized a series of benefits for the workforce.

What is your assessment of the strengths and weaknesses of the Department of the Navy's implementation, to date, of DAWIA?

Answer. The Department of the Navy has actively embraced the DAWIA at all levels of its acquisition workforce. Our strengths include well established programs that provide periodic training, staff mentoring and professional development for this very valuable workforce, actively updating them with the latest Federal Acquisition Regulation changes and new, best-value contracting methods and procedures. Moreover, senior leadership continues to partner with industry and advance innovative acquisition strategies like Economic Order Quantity acquisition and multi-year funding procurement that lower risk, lower cost, and/or reduce scheduled completions.

Question. In your judgment, does the Department of the Navy's current acquisition workforce have the quality and training needed to adapt to new acquisition reforms, as well as to the increased workload and responsibility for managing privatization efforts?

Answer. Yes. I believe the Department of the Navy's current acquisition workforce has all the requisite tools, core competencies and periodic training requirements to responsibly manage all our acquisition workload. This includes the newest efforts in both privatization and outsourcing. DAWIA expertise certification process and continued learning requirements are keystones for that program's success across all of Navy and DOD alike.

COMPETITIVE SOURCING

Question. Over the past several years, DOD has increased its reliance on the private sector to perform certain activities including equipment maintenance and facility operations. Some have supported this effort while others have expressed concern that core activities are being jeopardized by reducing our reliance on military personnel and civilian employees of the Federal Government.

Answer. I am committed to ensuring the DON applies its resources in an effective and responsible way. Part of finding the right way to do that involves making sure we have the right functions performed by the right people. In some cases that should be our military and civilian personnel; in others, the private sector possesses the best capability to provide support and services. There is not a "one size fits all" answer. We need to focus on those core functions that we must do to accomplish our mission and then determine what the best source is to accomplish those functions that support the core competencies.

Question. What impact will the recent changes to OMB Circular A-76 have on the Department's plan for public-private competitions?

Answer. The recent changes to OMB Circular A-76 will facilitate our public-private competitions. The changes reinforce our commitment to apply a competitive environment to sourcing decisions. We are also renewing our emphasis on the development of performance-based specifications to obtain the goods or services we need without unwarranted restrictions.

Question. Are there other effective alternatives that the Navy is pursuing to achieve the benefits of public-private competition?

Answer. We are examining functions performed by military personnel in particular to determine whether the work can be done by civilian employees or contractors, as well as a critical analysis of whether the work needs to be done at all.

Question. Do you believe that outsourcing can yield substantial savings for the Department of that Navy?

Answer. Studies have shown we consistently produce savings when we make sourcing decisions in a competitive environment, whether the outcome is continued

use of government employees or contractor performance. The process causes us to look closely at what needs to be done and to find the best way to do it.

MAJOR WEAPON SYSTEM ACQUISITION

Question. Please describe the approach and progress made by the Navy to reduce cycle time for major acquisition programs.

Answer. The Navy has embraced evolutionary acquisition and spiral development as the cornerstones on which the naval acquisition community will accelerate the delivery of affordable warfighting capability to meet Naval Power 21 and Marine Corps Strategy 21 objectives.

The Acoustic Rapid COTS Insertion program is an excellent example of evolutionary acquisition. The Navy is actively disseminating the lessons learned from these successes to facilitate full implementation of the evolutionary acquisition philosophy.

Question. What specific steps has the Department of Navy taken to adopt incremental or phased acquisition approaches, such as spiral development?

Answer. The new DOD Instruction 5000.2, "Operation of the Defense Acquisition System", establishes a strong preference for evolutionary acquisition and spiral development. The Navy assisted in the development of this instruction. Both evolutionary acquisition and spiral development can reduce major acquisition program cycle time. The new Secretary of the Navy Instruction 5000.2C, which is currently being routed within Navy for approval, will provide further implementation guidance and institutionalize the new philosophy. If confirmed, I will strongly support and advance this acquisition approach. Navy acquisition managers will be expected to exploit fully the flexibility of the new acquisition policies in structuring evolutionary acquisition plans appropriate to the capability needs and the pace of advancing technology for their systems.

Question. How will the requirements process, budget process, and testing regime change to accommodate spiral development?

Answer. The Navy has encouraged and supported programs in dealing with the key enablers for spiral development, such as time phasing of capabilities, full funding for spirals/increments, operational testing, and evolutionary sustainment strategies. Discussions have been held with the capability assessment, resources, test, and logistics communities to enhance support within these communities for evolutionary acquisition and spiral development. Program managers have been directed to structure plans and coordinate activities with relevant stakeholders as early as possible within each program acquisition cycle. Acquisition plans and documents should reflect these agreements.

SERVICES CONTRACTING

Question. DOD spends over \$60 billion a year on services. Concerns raised by the DOD Inspector General about the management of these contracts led Congress to pass section 801 of the National Defense Authorization Act for Fiscal Year 2002, which requires each of the military departments to establish a management structure for the procurement of services comparable to the structure already in place for the procurement of products by the Department of Defense. Section 801 also requires each department to designate an official to be responsible for the management of the procurement of services.

By way of comparison, the Air Force has established a Program Executive Officer for Services, with responsibility for handling all services acquisitions in excess of \$100 million. The committee also understands that the Air Force has established a management structure for smaller acquisitions.

What is the Department of Navy doing to better manage its services contracts, and, specifically, to implement the requirements contained in section 801?

Answer. On March 10, 2003, the Department of the Navy issued its "Department of the Navy Management Oversight Process for Acquisition of Services (MOPAS)" guidance. In conjunction with existing Navy guidance on the procurement of products the MOPAS guidance establishes criteria, review/approval thresholds and metrics requirements for services contracts. The guidance utilizes existing strengths and organizational structure to evaluate needs. Assistant Secretary of the Navy (Research, Development, and Acquisition) (ASN(RDA)) will review services acquisitions designated as Special Interest by the Under Secretary of Defense (Acquisition, Technology, and Logistics) and will review and approve services acquisitions with a total planned dollar value of \$1 billion or more, as well as services acquisitions identified by ASN(RDA) as special interest. Review and approval authority for lower dollar value contracts are delegated to the appropriate Deputy Assistant Secretary of the Navy. Additionally, acquisition workforce training is being conducted to foster un-

derstanding of and compliance with these procedures, and compliance is being reviewed during procurement assessments of acquisition activities.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Navy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Dionel M. Aviles follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 6, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy, vice Susan Morrissey Livingstone, resigned.

[The biographical sketch of Dionel M. Aviles, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DIONEL M. AVILES

Dionel M. Aviles was nominated on June 12, 2001 by President George W. Bush to serve as the Assistant Secretary of the Navy (Financial Management and Comptroller) and was sworn in on July 17, 2001.

From 1995 to 2001, Mr. Aviles served as a professional staff member on the staff of the House Armed Services Committee and was responsible for defense budgeting and finance issues, as well as Navy shipbuilding and other procurement issues.

Prior to working at the House Armed Services Committee, Mr. Aviles served for 4 years in the National Security Division of the OMB in the Executive Office of the President. He began his service at OMB as the budget examiner for Navy procurement and research and development programs and ended as the assistant to the division director responsible for the development of the defense accounts for the President's Budget.

Before joining OMB, Mr. Aviles served as a program engineer at the Naval Air Systems Command. He worked on various Tomahawk missile projects in the Cruise Missile Project. Prior to his government service at the Naval Air Systems Command, he worked as a production support engineer for the Standard Missile and Phalanx Gun programs.

A native of Bryan, Texas, he graduated from the United States Naval Academy in 1983 with a bachelor's degree in mechanical engineering. In 1993 he earned a master's degree in business administration from the School of Business and Public Management at George Washington University.

Mr. Aviles served on active duty in the United States Navy from 1983 to 1988 as a surface warfare officer and is an officer in the Naval Reserve.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dionel M. Aviles in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. Name: (Include any former names used.)

Dionel M. Aviles.

2. Position to which nominated:

Under Secretary of the Navy.

3. Date of nomination:

February 6, 2004.

4. Address: (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. Date and place of birth:

January 23, 1961; Bryan, Texas.

6. Marital Status: (Include maiden name of wife or husband's name.)

Married to the former Kimberly Lee Corbin.

7. Names and ages of children:

Thomas William Aviles (7 years old).

8. Education: List secondary and higher education institutions, dates attended, degree received, and date degree granted.

George Washington University, 1991 to 1993, Master of Business Administration, December 1993.

University of Maryland, 1989 to 1990, No degree granted.

U.S. Naval Academy, 1979 to 1983, Bachelor of Science, Mechanical Engineering, May 1983.

Texas A&M University, 1978 to 1979, No degree granted.

Satellite High School, Satellite Beach, Florida, 1975 to 1978, High School Diploma, June 1978.

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Assistant Secretary of the Navy (Financial Management & Comptroller), 1000 Navy, Pentagon (Room 4E569), Washington, DC, July 2001 to Present.

Professional Staff Member, U.S. House of Representatives, Committee on Armed Services, Rayburn House Office Building, Washington, DC, March 1995 to July 2001.

Budget Examiner, Executive Office of the President, Office of Management and Budget, 725 17th Street, NW, Washington, DC, April 1991 to February 1995.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Engineer, Department of the Navy, Program Executive Officer for Cruise Missiles and Unmanned Aerial Vehicles, Naval Air Systems Command, Arlington, VA, January 1990 to April 1991.

Naval Officer, U.S. Navy, 1983 to 1988, U.S. Naval Reserve, 1988 to present.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

U.S. Naval Academy Alumni Association (1983–present), 247 King Street, Annapolis, MD, Life Member, no offices held.

Our Lady of the Fields Catholic Church (1995–present), 1070 Cecil Avenue, Millersville, Parishoner, no offices held.

Republican Party (1979–present), c/o Republican National Committee, 310 First Street, SE, Washington, DC, Member, no offices held.

National Rifle Association (1993 to present), 11250 Waples Mill Road, Fairfax, VA, Life Member, no offices held.

Navy Federal Credit Union (1979–present), P.O. Box 3000, Merrifield, VA, Member, no offices held.

Anne Arundel Fish and Game Conservation Association (1993–present), P.O. Box 150, Arnold, MD, Member, no offices held.

United Services Automobile Association (1982–present), 9800 Fredericksburg Road, San Antonio, TX, Member, no offices held.

Society of American Military Engineers (1988–present), 607 Prince Street, Alexandria, VA, Member, no offices held.

Reserve Officers Association (1995–present), One Constitution Avenue, NE, Washington, DC, Life member, no offices held.

Ducks Unlimited (2003–present), One Waterfowl Way, Memphis, TN, Member, no offices held.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Member of the Republican party. No offices held or services rendered during the last 5 years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

Ehrlich Gubernatorial Campaign (2002), \$700.

Bush for President Campaign (1999), \$1,000.

Bush Gubernatorial Reelection Campaign (1998), \$500.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Navy Commendation Medal (2 awards).

Navy Achievement Medal (2 awards).

National Defense Service Medal.

Navy Expert Pistol Medal.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Commissioning speaker for U.S.S. *McCampbell* (DOG 85) on August 17, 2002.

Commissioning speaker for U.S.S. *Mason* (DOG 87) on April 12, 2003.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

If confirmed, I agree to appear and testify upon request before any duly constituted committee of the Senate.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DIONEL M. AVILES.

This 9th day of February, 2004.

[The nomination of Dionel M. Aviles was reported to the Senate by Chairman Warner on May 12, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 24, 2004.]

[Prepared questions submitted to Jerald S. Paul by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. Section 3141 of the National Defense Authorization Act for Fiscal Year 2002 stated that the Principal Deputy Administrator shall be appointed "from among persons who have extensive background in organizational management and are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the administration in a manner that advances and protects the National security of the United States."

What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. The diversity of my background and experience will likely provide the most effective tool for coordinating the activities of the National Nuclear Security Administration (NNSA). This diversity includes perspective from education and experience as Nuclear Engineer and Marine Engineer; Operating Systems of power plants, both nuclear and fossil; experience coordinating nuclear fuel operations; practicing as an attorney; and serving as an elected official in the Florida State Legislature.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Principal Deputy Administrator?

Answer. My ability to perform my duties will be greatly enhanced by maintaining a visible proactive presence at our laboratories, plants, and offices within the complex where I can establish a close meaningful relationship with our front line managers and their teams.

Question. Section 3141 goes on to state that the Principal Deputy Administrator "shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the administration."

Assuming you are confirmed, what duties and functions do you expect that the Administrator of the NNSA would prescribe for you?

Answer. If confirmed, the Administrator would likely assign me the following responsibilities:

- Partner with the Administrator in leading the NNSA.
- Serve as the "common superior" for the resolution of management issues arising between/among headquarters and field offices.

- Serve as first line supervisor for NNSA senior managers in headquarters and the field.
- Lead the Management Council (senior headquarters managers) and the Leadership Coalition (Management Council plus Site Managers and Director of the Service Center).
- Lead the NNSA on DOE Management Challenges and 2004 priorities.
- Senior NNSA focal point for the Defense Nuclear Facilities Safety Board (DNFSB) on management issues.
- Chair NNSA's Diversity Council and champion diversity in the NNSA workplace.

MAJOR CHALLENGES AND PROBLEMS

Question. The Principal Deputy Administrator is a new position.

What is your understanding of the role that the individual appointed to this position will play in the overall administration of the NNSA?

Answer. The role of the Principal is to partner with the Administrator in providing leadership to and management of NNSA. In the short run, the Principal Deputy will focus on being the driving force in completing the re-engineering of NNSA.

Question. In your view, what are the major challenges that will confront the Principal Deputy Administrator for Defense Programs?

Answer. Consistent with my responsibilities to ensure full implementation of re-engineering, one major challenge will be consolidating our business and technical services, together with the people who performs them, from Oakland and Nevada, to the NNSA Service Center in Albuquerque by the end of this fiscal year.

Additionally, identifying and remedying gaps and skill mix mismatches throughout the organization will be a continuing challenge that I will address.

We must be certain that the most qualified vendors available are selected to carry out the complex scientific and technical work needed by the Stockpile Stewardship Program and Defense Nuclear Nonproliferation.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. In each case cited above, I would work closely with the NNSA senior leadership team at headquarters and at our site offices and service center to ensure that each activity is being managed in an efficient and cost effective manner. The NNSA Chief Operating Officer has established teams to oversee the specific challenges discussed above and he is working closely with the headquarters and field managers to address areas of concern. He has developed milestones for each phase of implementation and is holding managers accountable for adherence to these schedules. If confirmed, I will ensure the responsibility for guiding these efforts and accomplishing these key objectives.

Question. What do you consider to be the most serious problems in the performance of the functions of the Principal Deputy Administrator?

Answer.

- The most serious problems involve the design and implementation of an appropriate line oversight and contractor assurance policy for the NNSA complex.
- A lesser problem is the number of delinquencies in the technical qualifications program. NNSA has a significant number of individuals, in some instances because of job changes due to re-engineering, who have not completed the technical qualifications for their positions.
- Finally, the role of headquarters offices in overseeing the performance of the Site Offices and the Service Center needs to be more clearly defined.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer.

- If confirmed I would look at immediately assigning an individual from the Service Center to assess the status of each site and contractor. As Principal Deputy I will enforce a deadline to have the line oversight and contractor assurance system designed and the first steps of implementation underway. The completion of the design of a system will include a resources loaded schedule that I will monitor.
- Each manager will be required to plan for completing the qualification of each individual in the program who works for that manager. The manager's performance appraisal plan will include this item. Through the Chief Operating Officer, I will monitor progress.
- In my role of leading the Leadership Coalition, I expect to drive the resolution of issues regarding roles and responsibilities. I will monitor and ef-

fect how the roles and responsibilities are carried out. The Principal Deputy should initiate this effort at the first Leadership Coalition, should he be confirmed.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Principal Deputy Administrator?

Answer. The first priority for the Principal Deputy will be completing NNSA's re-engineering so that we have a fully functioning Service Center supporting our Site Offices and Headquarters.

Finalizing the roles and responsibilities among Headquarters, Site Offices, and the Service Center will be another priority.

Accelerating and completing NNSA's workload reduction initiatives is a third priority.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Principal Deputy Administrator with the following officials:

The Secretary of Energy

Answer. Under the NNSA Act the Secretary, acting through the Administrator, can direct the activities of NNSA. In addition, the Secretary sets policy for NNSA and NNSA implements it.

Question. The Administrator of the NNSA

Answer. The Administrator is the direct supervisor of the Principal Deputy. He sets priorities for the Deputy and serves as the common superior to resolve any disputes between the Principal Deputy and the other Deputy Administrators.

Question. Other Deputies in the NNSA

Answer. The other Deputies are direct reports to the Principal Deputy who is their first line supervisor providing coordination, integration, and oversight of their performance.

Question. The Assistant Secretary for Environment Management

Answer. The Principal Deputy will oversee the transition of legacy waste cleanup from the responsibility of EM to NNSA. As the common superior for both the headquarters cleanup element and the Site Office managers, the Principal Deputy resolves any issues between headquarters and the field.

Question. The Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs and the Nuclear Weapons Council

Answer. The current incumbent is Dr. Dale Klein. In addition to his other duties within the Department of Defense, Dr. Dale Klein serves as the Executive Secretariat for the Nuclear Weapons Council (NWC). NNSA legal representative to the NWC is the Administrator and, if confirmed, I will, along with the Deputy Administrator for Defense Programs, provide support to the Administrator in this critical role.

Question. Commander, Strategic Command

Answer. The current incumbent is Adm. James O. Ellis, Jr., USN. The Commander of Strategic Command is the central customer at the Department of Defense for the work of the NNSA. Along with the 3 laboratory directors, he provides his judgment annually on the certification of the stockpile along with the Nuclear Weapons Council to the Secretary of Defense. I expect that continual interactions with the Commander in Chief of Strategic Command regarding military requirements and stockpile size and composition will remain the primary responsibility for the Deputy Administrator for DP.

Question. The Nuclear Directorate of the Air Force and Navy

Answer. (1) The current incumbent is Major General Robert L. Smolen, USAF. The Directorate is responsible for establishing Air Force policy and strategy for nuclear weapon systems, has oversight of nuclear operations and requirements and manages all aspects of the Air Force arms control activities ranging from treaty negotiation support to implementation and compliance.

(2) The nuclear weapon Directorate of the Navy is broken into policy and technical organizations. The policy organization is the Strategy and Policy Branch within the Office of the Chief of Naval Operations. Rear Admiral Carl V. Mauney is the current incumbent. The Navy's nuclear weapon technical organization is Strategic Systems Programs. The current incumbent is Rear Admiral Charles Young. The Director of Strategic Systems Programs is responsible for all research, development, production, logistics, storage, repair, and support of the Navy's Fleet Ballistic Missile Weapon Systems.

Interactions with both of these important offices are and should continue to be handled by the Principal Assistant Deputy Administrator for Military Application.

Question. Associate Administrator of NNSA for Facilities and Operations

Answer. The Principal Deputy is the first line supervisor for this Senior Executive who is responsible for the corporate management and oversight of NNSA's facilities management policies and programs, project management systems, and safeguards and security programs. There will be daily interaction with this Associate Administrator to provide oversight and resolve any issues that may arise among Headquarters and/or field managers, and to ensure the vitality and security of the industrial and laboratory infrastructure of NNSA. The Principal Deputy performs the annual performance appraisal of this Senior Executive, including the establishment of the performance plans and recommendations for compensation and awards.

Question. Associate Administrator of NNSA for Management and Administration

Answer. The Principal Deputy is the first line supervisor for this Senior Executive who is responsible for the overall business management aspects of the NNSA enterprise by providing for the financial, procurement and acquisition, human resources, information technology and day-to-day business operations of NNSA. There will be daily interaction with this Associate Administrator to provide oversight and resolve any issues that may arise among Headquarters and/or field managers, and to ensure the overall vitality of the NNSA business programs. The Principal Deputy performs the annual performance appraisal of this Senior Executive, including the establishment of the performance plans and recommendations for compensation and awards.

MANAGEMENT OF NNSA

Question. What is the role of NNSA's Management Council and, if confirmed, what would be your relationship with the Council?

Answer. Broadly speaking, the role of the NNSA Management Council (Senior Headquarter Managers) is to address and make decisions on matters which, for the most part, impact the entire NNSA complex. For example:

- Personnel appointments for key Headquarters and field senior leadership positions that affect major NNSA activities/operations;
- Major organizational changes—such as re-engineering, etc;
- Business practices and systems (implementing E-Gov and other administration data management systems, such as IMANAGE);
- Budget matters such as the functioning of the NNSA Planning, Programming, Budgeting and Evaluation (PPBE) activities;
- Issues of interest to the NNSA Leadership Coalition (Managers of the Site Offices, and the Director of the Service Center together with the NNSA Management Council) such as, contract management, budget, and Site Office interfaces with the Service Center.

Role of the Principal Deputy

I have discussed my potential role on the Management Council with Ambassador Brooks. I would provide management oversight of all Council activities for Ambassador Brooks. I would set the agenda for the weekly meetings and ensure that subject matter experts scheduled to brief the Council are fully prepared. I would ensure that the Management Council's focus is on decisionmaking and implementation. My goal would be to help ensure that NNSA is being managed and operated consistent with the spirit and intent of the NNSA Act.

WEAPONS PROGRAM WORK FORCE

Question. If confirmed, what specific steps would you recommend for the NNSA to retain critical nuclear weapons expertise, particularly design capabilities, in the NNSA workforce?

Answer. Monitoring the status of our critical nuclear weapons expertise will be one of my highest priorities if confirmed. NNSA's nuclear weapons expertise resides in the workforces of our Management and Operating (M&O) contractors who manage the weapons laboratories, production plants and test site. NNSA relies on these contractors to maintain that expertise, but carefully monitors their status. We include performance metrics in each of our eight M&O contracts to ensure our contractors give this their highest priority. I will ensure that senior management and our contractors watch for negative trends in advance so that we can take appropriate corrective measures.

Question. If confirmed, what specific steps would you recommend for the NNSA to ensure that new weapons designers are appropriately trained?

Answer. Activities that exercise weapons design skills are the most important action NNSA can take to appropriately train new designers. As time passes, NNSA continues to lose experienced designers from our laboratory workforces, and within

the next decade we will have very few who have hands-on experience from designing new warheads, or planning and conducting underground nuclear tests. I believe we must continually seek worthwhile program activities that can exercise these skills as well as ensure that the expertise in our workforce is properly archived and that the next generation of designers learns from the current designers before they retire.

Question. In your view, what are the critical skills that are needed in the NNSA?

Answer. I believe the Chiles Commission review was on target regarding the critical skills needed for the future. As I understand it, the NNSA worked with its contractors following the review and has established processes for contractors to ensure that those skills are maintained, and establish processes for NNSA to ensure that we have appropriate operational awareness and oversight of the status. I would encourage each contractor to maintain its own list of critical skills and periodically reports metrics on recruitment, development, and retention of those skills.

SAFEGUARDS AND SECURITY

Question. One of the biggest initiatives of the Department of Energy and the NNSA over the past year was to establish a new design basis threat (DBT) standard.

If confirmed, what recommendations would you make to help ensure the NNSA meets the new DBT?

Answer. I would ensure that detailed schedules are in place along with milestones and timelines to adequately assess progress by the sites in implementing site safeguards and security upgrades included in approved plans. Further, I would ensure that sites maintain this schedule, assess any delays that may occur, and champion requests for additional resources as needed.

Question. How should the NNSA maintain an appropriate balance between adding security personnel and investing in force multiplying technologies and infrastructure in this area?

Answer. Utilizing additional manpower to provide necessary upgrades in the level of security protection is generally the most expensive approach. Therefore, I believe it is important the NNSA invest in technologies that are available, reliable and cost effective to effectively complement the need for additional protective personnel.

Question. In your opinion, what are the biggest threats to the nuclear weapons program?

Answer. In my opinion the biggest threats to the nuclear weapons program is its aging facilities, systems and equipment compounds by the lack of necessary resources to upgrade these facilities to today's security standards for protection and storage.

STOCKPILE STEWARDSHIP PROGRAM

Question. What is your view of the Stockpile Stewardship Program's progress towards its goal of being able to continuously certify the U.S. enduring nuclear weapons stockpile as safe, secure and reliable without the need for underground testing?

Answer. While I have not yet received classified briefs about the Stockpile Stewardship Program, I understand that it has been able for almost a decade to certify that the Nation's nuclear weapons stockpile is safe, secure, and reliable. I also understand that it has solved problems in the stockpile that in the past would have been resolved using nuclear testing.

Question. In your opinion, what are the greatest challenges confronting the Stockpile Stewardship Program?

Answer. Again, I have yet to received a detailed briefing, but from my understanding the greatest challenge confronting the Stockpile Stewardship Program is maintaining confidence in the judgments in the absence of full scale testing data. The analysis must be rigorous and reviewed to ensure that we avoid a false sense of confidence in the safety, security and reliability of the stockpile. If the data suggests that there is a problem in the stockpile we must be prepared to initiate testing if necessary for comprehensive, accurate analysis or withdraw the weapon from the stockpile until it is repaired, if that was possible.

Question. Do you fully support the goals of the Stockpile Stewardship Program?

Answer. Yes, the Stockpile Stewardship Program is one of this country's most important national security programs. If confirmed, I will work with the administration to ensure that this program receives the resources necessary to continue to its success.

NUCLEAR POSTURE REVIEW

Question. The Nuclear Posture Review (NPR), which was released in January 2002, contained the administration's plan to reduce the number of operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by the year 2012. These reductions were included in the Strategic Offensive Reductions Treaty in 2003.

Will any dismantlements occur as a result of the NPR and the Moscow Treaty?

Answer. It is my understanding that the answer is yes and that by 2012, the size of the nuclear weapons stockpile will be substantially reduced from today's levels.

Question. With the large number of refurbishment and other life extension program activities planned over the next 8 years, is there enough facility capacity and are there sufficiently qualified personnel in the NNSA workforce to also take on a large increase in dismantlement during the same time period?

Answer. As I understand it, the NNSA will continue to be able to dismantle warheads, but the rate of dismantlement will depend on the workload needed to support other priority activities including life extension programs, warhead surveillance, and stockpile maintenance modifications and alterations.

Question. The NPR stated as one of its priority goals achievement of a reinvigorated infrastructure across the nuclear weapons complex.

With competing budget priorities for the Stockpile Stewardship Program, directed stockpile work, safeguards and security, and maintenance and recapitalization, what steps would you take, if confirmed to ensure the infrastructure continues to be revitalized and well maintained?

Answer. I believe it is essential that our country has a modern and responsive nuclear weapons infrastructure as called for in the Nuclear Posture Review to maintain deterrence with a much smaller stockpile. I believe NNSA is on the right track with its FIRP program that will ensure that the current weapons complex is brought back up to modern standards, as well as looking at what the complex of the future will need to ensure the security of future generations to come, such as building a Modern Pit Facility.

Question. What recommendations, if any, would you make to improve management of the facilities in the nuclear weapons complex?

Answer. NNSA reengineering efforts are aimed at improving efficiency and effectiveness. Based on my experience, management can best be improved by establishing clear performance objectives and the means for fairly judging contractor performance. I have been impressed with the work NNSA has been doing to clearly define and measure performance through its PPBE process. I also support NNSA's efforts to establish model contracts that streamline the interface between the government and its contractors by establishing assurance and evaluation systems based on external validation. If confirmed, I will focus my efforts on fully implementing NNSA's Contractor Assurance Systems.

FACILITIES AND INFRASTRUCTURE

Question. Upon its creation, NNSA inherited an infrastructure in need of significant work, particularly at the nuclear weapons plants, but throughout the aging nuclear weapons complex. At the request of the Department of Energy, Congress, in section 3133 of the National Defense Authorization Act for Fiscal Year 2002, established the Facilities and Infrastructure Recapitalization Program (FIRP).

Although FIRP appears to be making good progress in revitalizing the infrastructure through elimination of maintenance backlogs, what recommendations would you make to ensure that current and future maintenance needs under the Readiness in Technical Base and Facilities program are met so that the nuclear weapons complex is revitalized when FIRP is terminated in 2011, as originally planned?

Answer. Based on my current understanding of facility conditions, I would recommend that NNSA develop a corporate strategy to ensure smooth and appropriate transition that will avoid falling back into an unacceptable deferred maintenance backlog. I understand a complex-wide coordinated plan to achieve required space reductions, modernize the facilities and shift to a preventative maintenance approach rather than relying on corrective maintenance. I believe these programs are taking appropriate steps to define and manage maintenance requirements. We need to make sure both group's efforts are appropriately integrated as we approach the end of FIRP in 2011.

PIT PRODUCTION CAPABILITY AND MODERN PIT FACILITY

Question. In his testimony before the Strategic Forces Subcommittee, on March 24, 2004, Admiral Ellis, USN, Commander, United States Strategic Command,

while discussing the aging effects on plutonium, stated that “[w]e assume that there’s some risk in any significant delay to the current design of the Modern Pit Facility. Some would argue that we are accepting unacceptable risk by not having it in operation until the end of the next decade.”

Please describe the progress being made on the environmental impact statement and design work for a Modern Pit Facility.

Answer. If confirmed, I look forward to reporting back to the committee as I have not been fully briefed on this matter. However, I do know that on January 28, 2004, the NNSA announced a delay of unspecified duration in the release of the MPF-EIS and selection of a preferred host site location.

Question. Please describe what process should be used to communicate military requirements on the Modern Pit Facility from DOD to DOE.

Answer. While I have not been briefed on these issues, nuclear weapons requirements are coordinated through the joint DOE/DOD Nuclear Weapons Council (NWC). Primary duties of the NWC are to prepare nuclear weapons stockpile plans, to include the size and composition of the stockpile in the out years, and to recommend these plans for approval by the Secretary of Defense, the Secretary of Energy, and ultimately, the President. As I understand it the NWC regularly receives and acts on information concerning the Modern Pit Facility. This includes information on its appropriate size, timing, and capabilities.

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Question. What responsibility does NNSA have for managing and disposing of its current and future hazardous waste streams and environmental restoration?

Answer. NNSA is responsible for environmental operations at NNSA facilities, including managing waste streams from its activities and decontamination/decommission of surplus facilities. It is my understanding that NNSA assumed responsibility for five of its sites from the Office of Environmental Management during the late 1990s for disposing of waste from the ongoing operations. In fiscal year 2006, an additional two NNSA sites will take over that responsibility.

Question. What specific steps is NNSA taking to phase these activities into its planning budgets in view of the cap DOE has placed on the activities of its Environmental Management (EM) program?

Answer. It is my understanding that part of the fiscal year 2006 DOE budget planning process, NNSA is working with DOE’s Office of Environmental Management to develop a plan to transition all EM responsibilities at NNSA sites to the NNSA. A new office within NNSA’s Office of Infrastructure and Security (NA-50) has been assigned responsibility for evaluating NNSA’s liability and coordinating the transition. If confirmed I will fully engage in this process and report back to the committee that progress.

Question. What is the current plan, including milestones, to ensure that this responsibility is clearly identified and integrated into NNSA planning?

Answer. Again, it is my understanding that NNSA’s Office of Infrastructure and Security has developed a field data call for fiscal year 2006 EM activities consistent with NNSA’s PPBE process. NNSA will independently analyze environmental management requirements at its sites and integrate these new budget responsibilities into the fiscal year 2006 budget request and Future Years Nuclear Security Plan.

DEFENSE NUCLEAR NONPROLIFERATION PROGRAMS

Question. In your view, are any policy or management improvements needed in the Defense Nuclear Nonproliferation Programs? If so, what improvements would you recommend?

Answer. Uncosted balances remain a management challenge that all programs face. The Office of Defense Nuclear Nonproliferation (DNN) needs to continue to address its uncosted balances and implement and revise the practices it has created to reduce them.

Question. In the National Defense Authorization Act for Fiscal Year 2002, the Department of Energy (DOE) was authorized to use international nuclear materials protection and cooperation program funds outside the borders of the former Soviet Union (FSU).

Do you anticipate DOE will use this authority? If so, in what countries and for what purposes?

Answer. The NNSA Act of fiscal year 2000 directed the DNN to reduce the global threat of weapons of mass destruction. Therefore, it is my understanding that DNN’s mission is global. The National Defense Authorization Act for Fiscal Year 2002 further strengthens DNN’s ability to continue working on Material Protection, Cooperation, and Accounting (MPC&A) activities throughout the world. Pursuant to

the President's fiscal year 2005 budget, DNN plans to support MPC&A work in countries of concern worldwide.

NATIONAL IGNITION FACILITY

Question. The National Ignition Facility (NIF) is scheduled to reach ignition by 2010 using a new cryogenics target technology.

In your opinion, is this technology feasible, and if confirmed, would you support restructuring the NIF budget to reduce the overall cost of the project with the goal of completing the project sooner than the current schedule would allow?

Answer. I have not been fully briefed by the Defense Programs staff on all technical details of the program for achieving ignition on the NIF. However, it is my understanding that NNSA scientists regard ignition as a great scientific challenge, and they are confident that they will ultimately be successful. Based upon preliminary briefings with the Defense Program's staff, I have not been presented with a reason at present to restructure the NIF Project. The current budget plan for stockpile stewardship strikes a proper balance in schedule and resources for addressing this challenge.

Question. In your view, does the scientific information offered by the NIF program provide enough value to justify its cost as part of the Stockpile Stewardship Program, even if the NIF does not reach ignition?

Answer. Yes, at present NIF is the only facility that can reasonably be expected to approach the conditions of temperature and pressure attained in a nuclear weapon, and that makes it essential for stockpile stewardship even though it costs several billion dollars to construct. I understand from our scientists that there are many important stockpile areas that can be investigated without requiring ignition. One such area that provides value is the physical properties of weapons-related materials. There are similar needs in the field of nuclear engineering, with which I am familiar, but here the conditions of temperature and pressure are much higher.

Question. Would you agree that the NIF is a key Stockpile Stewardship facility?

Answer. Yes, as a nuclear engineer, I realize how important it is to have a facility like NIF to investigate issues in a regime approaching that found in a weapon. It will also be an important facility for training and maintaining the expertise of weapons designers.

Question. In your view, if the NIF fails to reach ignition, does that preclude us from being able to certify a nuclear weapon, without underground testing in the future?

Answer. While I believe the ability to certify a nuclear weapon without underground testing in the future depends on many factors including NNSA's plans to achieve ignition on NIF. I have not been fully briefing on all of the issues associated with the scientific impacts if NIF fails to achieve ignition. However, I do understand that NIF is already providing good scientific data for the Stockpile Stewardship Program. Our future ability to certify the safety, security, and reliability of our nuclear weapons stockpile using science based judgments, without underground testing will depend on our ability to continue to conduct a program of these types of activities, including NIF. We must maintain confidence that the program is providing us all the information needed to certify the ability of the weapon to perform its assigned mission.

Question. In your opinion, could the NIF meet its goal of ignition with a number of lasers below the 192-laser design?

Answer. I understand from NNSA scientists that the full 192 beam NIF is needed to reach ignition. It is not so much a matter of the laser energy as it is the configuration of the laser beams that requires the full set of 192 beams. All the beams are needed so that the NIF target can be illuminated as planned.

NUCLEAR WEAPONS TESTING

Question. Do you support the current moratorium on testing?

Answer. Yes, I fully support the current moratorium on testing. Based on the briefings I have received, the Stockpile Stewardship Program is working today to ensure the continued safety, security and reliability of this Nation's nuclear deterrent without returning to full scale testing.

Question. Do you believe that there is a need at the present time to resume underground nuclear weapons testing to support the current stockpile or to support new or modified nuclear weapons?

Answer. At the present time there is no need to resume underground nuclear weapons testing to support the current stockpile. As I understand it, there are no requirements from the Department of Defense for any new nuclear weapons and that the ongoing Life Extension Programs (W87, B61, W80, W76) and the work as-

sociated with the Robust Nuclear Earth Penetrator do not require a resumption of underground nuclear testing.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Principal Deputy Administrator for the National Nuclear Security Administration?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Answer. Yes.

[The nomination reference of Jerald S. Paul follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 3, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration. (New Position)

[The biographical sketch of Jerald S. Paul, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JERALD S. PAUL

Representative Paul was elected to the Florida House of Representatives in 2000. During his first 2 years in the Legislature, Representative Paul served as Deputy Majority Whip.

He chairs the House Subcommittee on Agriculture and Environment Appropriations and chairs the House Subcommittee on Environmental Regulation. He also serves on the following committees: Energy, Appropriations, Business Regulation, Natural Resources, Procedures, Rules and Public Security.

Representative Paul holds a Bachelor's Degree in Marine Engineering from Maine Maritime Academy, a Merchant Marine Academy in Castine, Maine, where he also completed a minor in Nuclear Power Operations. He later earned a post baccalaureate degree in Nuclear Engineering from the University of Florida where he graduated with high honors and completed his thesis titled "Neutronics Analysis of A Liquid Bonded Nuclear Fuel." He formerly worked as a Reactor Engineer at power plant reactor units where he was responsible for nuclear fuel operations activities and reactor core operations activities. He is a practicing attorney having received his Juris Doctor of Law from Stetson University College of Law.

He represents Florida on the Southern States Energy Board. Representative Paul has been appointed to represent Florida on the National Conference of State Legislators Committees on Environment and Natural Resources and was most recently appointed by the U.S. Department of Energy to serve as a member of Secretary Abraham's Nuclear Energy Research Advisory Committee.

In his first year as a State Representative, Florida Trend magazine recognized Representative Paul as one of the top eight newly elected legislators in the Florida House of Representatives "who could shape government until 2008." That same year the Florida Chamber also recognized Representative Paul as one of the Top 20 newly elected legislators.

Representative Paul's wife, Kristy, is an elementary school teacher and they have two children.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Jerald S. Paul in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228
Washington, DC 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM
BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Jerald Scott ("Jerry") Paul.
2. **Position to which nominated:**
Principal Deputy Administrator, National Nuclear Security Administration.
3. **Date of nomination:**
February 3, 2004.
4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]
5. **Date and place of birth:**
February 26, 1966; Lancaster, Ohio.
6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married since 1988 to Kristina Lee Paul; Maiden name of wife: Kristina Lee Holmbeck.
7. **Names and ages of children:**
Son, Jared Duane Paul, 9 years old.
Daughter, Lauren Elizabeth Paul, 6 years old.
8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
04/1992-12/1994—Stetson University College of Law, St. Petersburg, Florida, Degree: Juris Doctor of Law (12/1994).
08/1989-12/1990—University of Florida, Gainesville, Florida, Degree: Post Baccalaureate Degree Nuclear Engineering (12/1990).
08/1985-04/1989—Maine Maritime Academy, Castine, Maine, Degree: B.S. Marine Engineering (04/1989), Minor 1: Nuclear Power Operations, Minor 2: Power Control Engineering.
9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

11/2000–Present, Employer: Florida Legislature, Location: Tallahassee, Florida, Title/Description: Elected State Representative.

05/1996–Present, Employer: Mckinley, Ittersagen, Gunderson and Berntsson, P.A., Location: Port Charlotte, Florida, Title/Description: Law Partner (Civil Practice, Government, Administrative Law).

12/1994–05/1996, Employer: Charlotte County Attorney Office, Location: Port Charlotte, Florida, Title/Description: Attorney (Government, Administrative, Environmental, Land Use Law).

05/1994–07/1994, Employer: Sarasota County Attorney Office, Location: Sarasota, Florida, Title/Description: Law Clerk (Government, Administrative, Environmental, Land Use Law).

01/1994–05/1994, Employer: Fowler, White, et al. Law Firm, Location: Tampa, Florida, Title/Description: Law Clerk (Admiralty/Maritime Law).

01/1991–04/1992, Employer: Georgia Power Company, Location: E.I. Hatch Nuclear Plant, Baxley, Georgia, Title/Description: Reactor Engineer.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

U.S. Department of Energy Nuclear Energy Research Advisory Committee (NERAC).

Member, Select Committee on Public Security—Florida House of Representatives. Represent Florida on the Southern States Energy Board (Since 2000).

Chair Subcommittee on Environmental Regulation, Florida House of Rep.

Chair Subcommittee on Environmental Appropriations, Florida House of Rep.

Represent Florida on the National Conference of State Legislators, Committees on Environment and Natural Resources.

Serve on following committees in Florida House of Representatives: Energy, Natural Resources, Rules, Procedures, Appropriations, Business Regulation.

Served on Public Utilities Advisory Committee, Sarasota County, Florida.

Served as legal counsel and provided legal counsel to the following governments: including Charlotte County, Florida; City of Punta Gorda, Florida; Gasparilla Island Bridge Authority; Charlotte County School Board; Englewood Water District.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Partner: Law firm of Mckinley, Ittersagen, Gunderson & Berntsson, P.A.

Managing Member: J&K Paul Family, Limited Liability Company (LLC).

Managing Member: Capitol Energy, LLC.

Member: Sibling Rivalry, LLC.

Member: Advisory Committee for University of Florida Department of Nuclear and Radiological Sciences

Member: Advisory Committee for University of Florida College of Engineering

Clients whom I represent or provide legal consultation: Charlotte County Government, Charlotte County Tax Collector, Gasparilla Island Bridge Authority, Placida Church of God, J&J Homes, Cape Haze Marina Bay, Hollis Kachler, Jr., Pamela Johnston and Family, and Bocilla Utilities.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Current:

Florida Bar.

Florida Blue Key.

Rotary International Service Organization.

Charlotte Harbor Environmental Center Board of Directors.

Big Brothers/Big Sisters of Southwest Florida Board of Directors.

Former:

Tau Beta Pi Engineering Honor Society.

Alpha Nu Sigma Nuclear Engineering Honor Society.

Phi Delta Phi, International Legal Honor Society.

Law Review, Stetson University College of Law.

American Society of Naval Engineers (ASNE).

American Society of Naval Architects and Marine Engineers (ASME).

American Nuclear Society (ANS).

Charlotte County United Way, Board of Directors.

Englewood Chamber of Commerce, Board of Directors.

Charlotte County Chamber of Commerce, Government Affairs Committee.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

I am serving my second term as an elected State Representative, Florida House of Representatives. I have not been a candidate for other public office(s).

I served as Deputy Majority Whip (2000–2002) in the Florida House of Representatives.

Committeeman: Sarasota County Republican Executive Committee (1991–1994).

Committeeman: Charlotte County Republican Executive Committee (1994–Present).

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None, other than listed in section 13(a), above.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

N/A.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Alpha Nu Sigma, Nuclear Engineering Honor Society.

Dr. Glenn Schoessow Nuclear Engineering Honorary Scholarship.

Tau Beta Pi, Engineering Honorary Society.

Order of The Engineer, Engineering Honorary Society.

Institute of Nuclear Power Operators (INPO) Scholarship.

John Hancock Engineering Honorary Scholarship.

American Society of Naval Engineers (ASNE) Scholarship.

Albian S. Coffin Math Achievement Scholarship.

Maine Maritime Academy Academic Scholarship.

Phi Delta Phi, International Legal Honorary Society.

Navy Expert pistol qualification award

Certifications/Licenses:

U.S. Coast Guard 3A/E Engineer License.

3rd Class Engineer License—State of Maine.

Certified Nuclear Fuel Inspector.

Nuclear Power Plant Root Cause Analysis.

Licensed Boiler Operator License.

Florida Bar License (Federal and State Court).

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Neutronics Analysis of Liquid Bonded Nuclear Fuels (1990):

Research for High Honors Thesis at University of Florida, compiled and published as part of a topical report with James S. Tulenko, Richard Wright, Glenn J. Schoessow, Jerald Paul, University of Florida Department of Nuclear Engineering Sciences, presented at The American Nuclear Society International Topical Meeting on LWR Fuel Performance in Avignon, France April 21–24, 1991.

Stetson Law Review Local Government Symposium, Published at Vol. 23, Spring 1994, No.2:

1. Environmental Law: Davey Compressor Co. v. City of Delray Beach, 613 So. 2d 60 (Fla. 4th DCA 1993).

2. Land Use Planning & Zoning: Corn v. City of Lauderdale Lakes, 997 F. 2d 1369 (11th Cir. 1993).

3. Land Use Planning & Zoning: Lee County v. Sunbelt Equities, II, LTD. Partnership, 619 So.2d 996 (Fla. 2d DCA 1993).

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Submitted herewith.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth

in the appendix to this volume. The nominee's answers to Parts B-F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JERALD S. PAUL.

This 13th day of February, 2004.

[The nomination of Jerald S. Paul was reported to the Senate by Chairman Warner on May 12, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2004.]

TO CONSIDER THE NOMINATIONS OF TINA WESTBY JONAS TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER); DIONEL M. AVILES TO BE UNDER SECRETARY OF THE NAVY; JERALD S. PAUL TO BE PRINCIPAL DEPUTY ADMINISTRATOR OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION; WILLIAM A. CHATFIELD TO BE DIRECTOR OF THE SELECTIVE SERVICE; AND MARK FALCOFF TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD

TUESDAY, MAY 11, 2004

**U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC.***

The committee met, pursuant to notice, at 9:36 a.m. in room SD-106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Inhofe, Roberts, Allard, Sessions, Collins, Ensign, Talent, Chambliss, Graham, Cornyn, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Dayton, Bayh, and Clinton.

**OPENING STATEMENT OF SENATOR JOHN WARNER,
CHAIRMAN**

Chairman WARNER. Before I turn to the matters at hand, and a quorum being present, I ask the committee to consider five civilian nominations: Tina Jonas, to be Under Secretary of Defense (Comptroller); Dionel Aviles, to be Under Secretary of the Navy; Jerald Paul, to be Principal Deputy Administrator of the National Nuclear Security Administration; William Chatfield, to be Director of the Selective Service; and Mark Falcoff, to be a member of the National Security Education Board. All of these nominations have been before the committee the required length of time.

Is there a motion to favorably report the nominations?

Senator LEVIN. So moved.

Chairman WARNER. So moved. Second?

Senator MCCAIN. Mr. Chairman, I reserve the right to object, and will not object except to say that I will hold these nominations until we get the requested information that has been outstanding

for a long period of time now concerning communications on the Boeing issue. I won't waste the time of the committee much longer, but we're approaching a time where I will be asking a vote of the committee to see whether we subpoena these documents or not.

Chairman WARNER. Senator, you have been straightforward in that. I've done my best to date, and will continue to help you gain that material. But you have kept the chairman and the ranking member informed continuously of your views.

Senator MCCAIN. Thank you, Mr. Chairman.

Chairman WARNER. The issue of the nomination is before the committee. All in favor, say aye. [A chorus of ayes.]

Opposed? [No response.]

Ayes have it. The nominations are now proceeding to the floor. [The nomination reference of Tina Westby Jonas follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 11, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller), vice Dov S. Zakheim, resigning.

[The nomination reference of Dionel M. Aviles follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 6, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy, vice Susan Morrissey Livingstone, resigned.

[The nomination reference of Jerald S. Paul follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 3, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration. (New Position).

[The nomination reference of William A. Chatfield follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 3, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

William A. Chatfield, of Texas, to be Director of Selective Service, vice Alfred Rascon, resigned.

[The nomination reference of Mark Falcoff follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 5, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Mark Falcoff, of California, to be a Member of the National Security Education Board for a term of 4 years, vice Cornelius P. O'Leary, term expired.

[Whereupon, at 9:38 a.m., this executive session was adjourned in order to take up the matter of allegations of Iraqi prisoner abuse.]

NOMINATION OF GEN GEORGE W. CASEY, JR., USA, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, MULTI-NATIONAL FORCE-IRAQ

THURSDAY, JUNE 24, 2004

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in room SD-106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Roberts, Allard, Sessions, Collins, Talent, Chambliss, Dole, Levin, Lieberman, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Dayton, and Clinton.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Elaine A. McCusker, professional staff member; Paula J. Philbin, professional staff member; Lynn R. Rusten, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Daniel J. Cox, Jr., professional staff member; and Michael J. McCord, professional staff member.

Staff assistants present: Bridget E. Ward and Pendred K. Wilson.

Committee members' assistants present: Darren M. Dick, assistant to Senator Roberts; Arch Galloway II, assistant to Senator Sessions; James P. Dohoney, Jr., assistant to Senator Collins; Lindsey R. Neas, assistant to Senator Talent; Clyde A. Taylor IV, assistant to Senator Chambliss; Christine O. Hill, assistant to Senator Dole; Russell J. Thomasson, assistant to Senator Cornyn; Frederick M. Downey, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; William Todd Houchins, assistant to Senator Dayton; and Andrew Shapiro, assistant to Senator Clinton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning all. I first want to join with the ranking member and all members of the committee in thanking

our respective staffs for the extraordinary work that they performed in assisting each of us individually and collectively such that we were able to achieve, after 16 days of hearings, a bill last night representing the Senate's 2005 authorization for the men and women of the Armed Forces. It was quite a feat.

I have one other issue to address this morning, and I have discussed this with the ranking member. I went back over several transcripts of earlier hearings, and there are clear passages where, in the course of the questions being propounded by Members of the Senate, the witnesses are literally struggling to provide the answer, but time was insufficient within which to put into the record the full breadth of the witness's response before the Senator went on to a successive question. The ranking member and I are going to ask our colleagues to be a bit more cautious as we question our witnesses to give them the full opportunity to respond.

In any event, we have had a wonderful start to today's hearing. We have had the privilege of meeting with the General and his wonderful family. I think the best way to start here, General, is simply to say that we are meeting to consider your nomination to be the first—and I underline “the very first”—Commander of Multi-National Force-Iraq (MNF-I), an important new position established to oversee U.S. and coalition military activities in Iraq. These military activities, as a part of the Multi-National Force, were first authorized by the United Nations (U.N.) Security Council resolution 1511 in October 2003 and reinforced and extended by the U.N. Security Council resolution 1546, which was passed unanimously on June 8, 2004.

The Commander of MNF-I will also be responsible for coordinating military and security activities with the new interim Iraqi government following the transfer of sovereignty on June 30.

So we welcome you, General, again back before the committee, given that you have just been before us for your important position which you presently hold. I would like to ask if you would kindly introduce your family who have joined you at this important hearing today.

General CASEY. Thank you very much, Senator. I would like to start by introducing my wife of 34 years, Sheila. Since Sunday is our anniversary, I would like to take this opportunity to thank her publicly for all the love and support that she has given our family and me over the last 34 years and for all she has done for Army soldiers and families over that period of time. She has managed to do all that and have a career at the same time.

Chairman WARNER. That is wonderful.

General CASEY. My son Sean and his wife Jennifer, and my son Ryan. They are the parents of our five grandchildren who are the apples of our eyes, and I am very proud of both of them. Sheila's sister, Clare O'Brien, and her husband Dick. They have the distinction of being both family and friends. So it's great to have everybody here with us.

Yesterday Ambassador Negroponte at his swearing in said that he was going to Baghdad, but he was not going alone because of the support his family gave him, and I feel the same way.

Chairman WARNER. I think that is wonderful. This committee is very family-oriented, and we appreciate each of you finding the

time to join us today. This is an important milestone not only in the career of General Casey, but an important milestone in the efforts of our Nation towards providing freedom for the Iraqi people.

I understand, Senator Roberts, that your son is a close friend of the family and has joined with us today.

Senator ROBERTS. Yes, sir, he is. I am looking over the room. I am not quite sure where he is right now, but that has not changed much in about 31 years. [Laughter.]

But at any rate, he just got married a couple of weeks ago, and we were delighted to have the General's son down to Shreveport for a small wedding of 750 people.

I am delighted to see you here, General.

General CASEY. Thank you, Senator.

Senator ROBERTS. Welcome to your family and to David's fraternity brother.

Chairman WARNER. Well, I thank you, colleague.

Our nominee today is especially well qualified for his challenging position. He currently serves as Vice Chief of Staff of the United States Army. He has been extensively involved in preparing Army troops for deployment to Iraq. He just returned from a trip to the region with Deputy Secretary Wolfowitz over the weekend.

Prior to his current assignment, the nominee was the Director of the Joint Staff and has also served as the Director for Strategic Planning, J-5, on the Joint Staff, and as Commander of the Joint Warfighting Center in Suffolk, Virginia, developing joint concepts and doctrine for joint and combined warfare.

Additionally, General Casey served as Commander, 1st Armored Division, garrisoned in Germany during the operations in the Balkan region.

At this time next week, the sovereignty of Iraq will have formally passed to an interim Iraqi government as Iraq continues its path to elections and a hopeful democratic future. The past few months have been particularly challenging from the continuing violence against the coalition military forces, against the new interim government, against innocent civilians, and most importantly, against our own coalition forces.

We are reminded that the security situation in Iraq remains tenuous and that Iraq continues to be a very dangerous place for our American forces, as well as coalition forces and, indeed, for the civilians, the contractors, and many others, which is an essential infrastructure for the overall military operations.

We are fortunate to have a nominee, as I said, with all of these qualifications.

I am going to ask Senator Levin at this point in time if he would provide us with his opening comments.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you. Thank you also for your leadership in shepherding through our annual defense authorization bill which was passed last night by a unanimous vote. That is a real tribute to you. It is also a tribute to our staffs. They have done a superb job, and you made that clear last night on the floor as well. I know all the members of our committee who worked so hard on this bill, and who also made it possible for the bill to have

unanimous support, join us in thanking our staffs for their work on this bill last night and in the months before.

Chairman WARNER. It was team effort, Senator, and you were my partner in it. I am very proud of the manner in which so many of our committee members came over and actively participated in that process.

Senator LEVIN. Let me join you also in welcoming and congratulating General Casey and his wife, Sheila, their family, and their friends on his nomination for such a vital position. It is vital to the future of our country, of the world, and to the future of Iraq.

I join you, Mr. Chairman, in thanking particularly his family for their support of General Casey. Without their support, as we know, nobody can take on the responsibilities that General Casey has and will take on.

I believe that General Casey is the right person to be the Commander of the Multi-National Force in Iraq. He has the tactical skills, having commanded at all levels from platoon to division. He has the staff skills, as he knows the Pentagon well, having served as the Director of Political Military Affairs on the Joint Staff and later as the Director of the Joint Staff. He has the educational background in international affairs. He has had international exposure, including in the Middle East with the United Nations. He understands the importance of coalitions, and the nuances of coalition command and coalition building. He understands the complexity of dealing with the diverse Iraqi factions.

A major challenge for you, General Casey, will be establishing the relationship between the coalition forces and a newly sovereign but interim government. The letters from Secretary Powell and Prime Minister Allawi annexed to the U.N. Security Council resolution speak of coordinating bodies at the national, regional, and local levels. How will they function? Who will adjudicate disputes? What will be the command relationships? What will be the legal status of the coalition military forces and of American civilian security contractors? Will you, General Casey, have authority over those contractors? How will you and Ambassador Negroponte divide responsibilities? Who adjudicates differences there?

Military commanders have been ordered to reorient priorities from offensive operations against the insurgents to training of Iraqi security forces. Allegedly some of our commanders feel that their forces are stretched thin and insurgents are taking advantage of that fact. There are many concerns which arise as a result.

Those challenges are identified here just simply to demonstrate the complexity and the broad range of problems that you are going to leap right into as soon as you are there. I have great confidence that you are going to do an outstanding job as Commander of the Multi-National Force. I have confidence that you will tell us whether the force levels are high enough, that you will be frank and direct on this issue with us at all times. You will tell us when you need more, and what you need more of, and who you need more of and what missions perhaps cannot be carried out as they should be because you do not have enough people or equipment. We are going to rely on you heavily to give us that in an unvarnished fashion.

Again, I congratulate you. I look forward to joining our chairman promptly in bringing your nomination to the floor and in seeing you confirmed.

Chairman WARNER. Thank you, Senator Levin.

This morning a group of us, Senator Levin and others, met with the President, and I raised the question of the status of forces agreement (SOFA). The very candid response by the White House was that while they had not achieved the conventional type of status of forces agreement, they felt that the extension of certain other documentary things relating to this issue would be sufficient.

I hope that you put your own personal attention to that because it is terribly serious. Our forces are following the orders of their commanders, and they might well participate in some operation which eventually could come under the scrutiny of the future Iraqi judicial system, and we have got to provide the protection for our forces, as well as the coalition members.

I would like now to propound the series of advance questions. You have answered those questions and provided for the record the responses. So we need not go over each of those questions.

But we do have the other questions which we always ask our nominees, and I shall now tend to that.

Have you adhered to the applicable laws and regulations governing conflicts of interest?

General CASEY. I have, Senator.

Chairman WARNER. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General CASEY. I have not, Senator.

Chairman WARNER. Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record and hearings?

General CASEY. I will, Senator.

Chairman WARNER. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General CASEY. I will.

Chairman WARNER. Will those witnesses be protected from any possible reprisal for their testimony or briefings?

General CASEY. They will.

Chairman WARNER. Do you agree when asked before any duly constituted committee of the United States Congress to give your personal views, even if those views differ from the administration in power and which you are serving?

General CASEY. I will, Senator.

Chairman WARNER. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee of the United States Congress or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

General CASEY. I do.

Chairman WARNER. Now, General Casey, we are pleased to offer you the opportunity to make an opening statement, if you so desire.

STATEMENT OF GEN GEORGE W. CASEY, JR., USA, FOR RE-APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, MULTI-NATIONAL FORCE-IRAQ

General CASEY. Thank you very much, Mr. Chairman, Senator Levin, distinguished members of the committee. I would like just to make a short opening statement here.

I must say, though, it is much more comforting having the other Service Vice Chiefs on my flanks here. [Laughter.]

First of all, I am honored by the confidence of the President and the Secretary of Defense in forwarding my nomination to the committee to serve as the first Commander of the Multi-National Force-Iraq. I appreciate your thoughtful consideration of the nomination.

If confirmed, I look forward to our continued close consultation in the time ahead and I will strive to work in concert with you as I have in my current job as the Vice Chief of Staff of the Army.

In that regard, I would like to thank you for your continued support of the men and women of the United States Army. In my duties as the Vice Chief of Staff, I recently had the opportunity to travel to Iraq to meet with our soldiers and leaders. I can assure you that these great young Americans are fully and faithfully discharging their duties in both Iraq and across the globe in prosecuting the war on terrorism in large part due to the unwavering support that you, this committee, have provided to them and to their loved ones back home. Thank you very much.

There is no greater honor for a serving officer in the Armed Forces of the United States than to command. If I am given the privilege of commanding Multi-National Force-Iraq, the soldiers, sailors, airmen, and marines from all coalition countries will have my unwavering and my untiring support. I fully appreciate the depth of their sacrifices, particularly those service men and women who have given their lives in the effort to create a free, secure, and stable Iraq.

Thank you very much, Mr. Chairman. I look forward to taking your questions.

Chairman WARNER. Thank you very much. We will proceed with a 6-minute round.

Might I say, with the greatest of respect, given that this is a new position and the swiftness with which the administration understandably had to proceed to fill this post and, I think, the somewhat limited time for you to prepare, if you in any instance feel the need, you might wish to elect to amplify your responses for the record after you have gone back and referred to such documents and other sources as to help you complete your answer to the question.

General CASEY. Thank you, Senator. I appreciate that.

Chairman WARNER. Now, please describe your command relationship with the Commander of Central Command (CENTCOM), currently General Abizaid.

General CASEY. Sir, I am his direct subordinate. I work directly for General Abizaid.

Chairman WARNER. Direct?

General CASEY. Direct subordinate.

Chairman WARNER. So it is one four-star reporting to another four-star.

General CASEY. That is correct.

Chairman WARNER. That has been ironed out and established?

General CASEY. It has been, and we have talked face-to-face.

Chairman WARNER. No diminution in the command and control of the Commander in Chief (CINC) in this particular situation.

General CASEY. None at all. None at all, Senator.

Chairman WARNER. Then describe what you understand your relationship will be to the newly appointed U.S. Ambassador, Ambassador Negroponte?

General CASEY. Senator, I will be the principal military advisor to Ambassador Negroponte. I have it, as one of my main priorities, to build a close and cordial relationship with the Ambassador so that not only myself, but also myself and my staff will work closely with the Ambassador and his staff to achieve unity of effort for the United States mission.

Chairman WARNER. How will you interface with the interim Iraqi government that will become the legal authority in Iraq on 30 June or 1 July?

General CASEY. Sir, that relationship will be one of partnership, and as General Abizaid has directed, we will transition the relationship from one of occupation to one of partnership. As you mentioned earlier, we will build the coordination mechanisms that will allow the close cooperation and coordination for all policy and operational matters that we will have to deal with. But I think your statement is correct. We will build that relationship over time here as we go forward.

Chairman WARNER. What role, if any, will you have with the overall contracting community, those that are performing numerous contracts in support of our overall goals of the coalition in that region?

General CASEY. Senator, I will have oversight of the force protection requirements of the contractors that are there fulfilling the military contracts. I would like to take you up on your offer there to give you some more specifics for the record about what my precise relationship is.

[The information referred to follows:]

As the Commander of MNF-I, I supervise all contracting activities in support of MNF-I operations throughout Iraq and ensure a secure environment for contractors to provide their contractual services to the personnel in this command. I set the priorities for contracting requirements and activities and ensure that resources are available to accomplish contracting goals. It is my responsibility to ensure that systems are in place to ensure efficient contract formation, execution, supervision, completion, and termination. When necessary, I have the authority to initiate disciplinary actions for violations of U.S., host nation, and international law. Contractors and the MNF-I share force protection information. Contractors are required to continuously gather, interpret, and expeditiously disseminate information on the security situation throughout Iraq. MNF-I provides threat information to contractors, including information on routes, specific threats, and general threats. When contractors perform duties on military installations, the military provides their perimeter security. When contractors are not on military installations they must provide their own security.

Chairman WARNER. Now, the respective military commanders of their respective units of other nations, will they all report through you up to CENTCOM?

General CASEY. They will report through Lieutenant General Metz who is the Multi-National Corps Commander. He is directly responsible for supervising the tactical and operational level operations in the country. So he is the Commander of the multi-national divisions. He reports to me. I report to General Abizaid.

Chairman WARNER. That is very clear.

I mentioned in the opening statement the status of forces agreement, which will not be achievable in the normal—I should say the historic framework, although it was sought by this country. I can see obvious reasons why this government, newly established, is somewhat hesitant to get out too far in front on that. There has to be left a period of time within which the new government takes root and so forth. But every day is critical to that trooper over there under your command.

So what is your current understanding of the framework of agreements that give protection to our troops, and what is your understanding of the successive framework that will be established, as I have been told this morning by the National Security Advisor?

General CASEY. By the successive framework, you mean?

Chairman WARNER. We are currently going to operate on an extension.

General CASEY. Right.

Chairman WARNER. I think we have taken some initiatives before the United Nations, but thus far they have not been fruitful is my understanding to tie that down more firmly. So you will be operating on an extension of the existing framework of agreements with the coalition council which will be phased out fully by June 30. Is that your understanding?

General CASEY. That is correct, Senator. I talked to General Sanchez about this subject this morning, because I am, as you are, very concerned that we have the appropriate protections in place for our armed service members.

The understanding I have now is that Ambassador Bremer has modified his order number 17 to take out the provisions that directly drew its authority from occupation law, but still provides us with the same protections that we had under the original provision. It is his intent to complete the negotiation of that prior to his departure on the 30th. Once I get there, my intent is to review that document and begin working toward a follow-on agreement.

Chairman WARNER. I would urge you, if you have any concerns about the adequacy of the protection for the forces under your command, that you would communicate those concerns to this committee very promptly.

General CASEY. I will do that, Senator.

Chairman WARNER. Lastly, the subject of the North Atlantic Treaty Organization (NATO). NATO has a footprint there largely through the member nations in NATO as a part of the coalition forces, but what role do you envision in addition to its current participation?

General CASEY. Senator, I believe we, the United States, will make suggestions to NATO that they potentially consider a role in training Iraqi security forces, and that would be a big help to us if we could get them to do that.

Chairman WARNER. Well, we have a magnificent commander, as you well know, in General Jones. I know that he wishes to be cooperative, but I might tell you I think member nations have not given him quite the degree of support to which he is entitled, and I hope that improves in the future.

Senator LEVIN.

Senator LEVIN. This morning, one of the things we did talk to the President about was precisely that topic—seeking that kind of greater support from NATO as an organization. Hopefully, that will be forthcoming.

In addition, we raised the issue of trying to get support from some Muslim nations to try to get some troops or police or other forms of support on the ground there to take away the propaganda that the terrorists and the insurgents use that this is just a western deal rather than an international, multilateral, multi-national deal that involves the Islamic world as well. Hopefully that is going to be forthcoming one of these days, weeks, or months as well.

General, let me ask you if you are going to be the commander of the Special Operating Forces and the Iraq Survey Group as part of your command.

General CASEY. I have been told by General Abizaid that I will have tactical control (TACON) of the national forces, the national Special Operating Forces that are operating in Iraq, and that the Iraq Survey Group will be directly under my command.

Senator LEVIN. In your prehearing questions, you stated that you are going to command General Petraeus in his efforts in training and equipping Iraqi security forces. Will the resources for the train and equip effort be under your control?

General CASEY. Senator, to the best of my knowledge, not all of them. There are police resources that come through the Department of State that we will require close coordination with them to get those.

Senator LEVIN. You made reference in your answers to the chairman to the coordinating bodies that are referred to in the Powell and Allawi letters that were annexed to the U.N. Security Council resolution 1546. Will U.S. forces at any level be under the command of any other commander but a U.S. commander?

General CASEY. No, Senator, they will not.

Senator LEVIN. Will Iraqi forces be under your command?

General CASEY. The Iraqi forces will generally be under the command of the Iraqis. They will operate with us. In some cases, should the Iraqis choose, they may give us operational control over them for a specific mission.

Senator LEVIN. There has been a press report that General Metz, who is the tactical commander currently under General Sanchez, has said that military commanders have been ordered to shift their emphasis from offensive operations and raids against insurgents to training Iraqi security forces more quickly and to protecting and improving infrastructure. Some are very much concerned about that move because it could create safe havens, for instance, in places like Fallujah.

Do you know if there has been such a shift? Is that an accurate report?

General CASEY. I have not seen that specific report. When we were there, we went around and visited each of the divisions. There was talk about a lower U.S. profile after the 1st of July. But at no time did I hear anyone talk about shifting from an offensive mind set to a defensive mind set. In fact, that would be my main concern here. This is something that I am trying to work through in my own mind, and I will work through with my commanders, once I get on the ground. But we have to maintain an offensive mind set here.

Senator LEVIN. Training and equipping is, of course, critical. We have got to get those Iraqi security forces trained and equipped. That is an essential move. We are hopeful that other nations will provide more of those trainers and more support for that. That is one of the things which we talked to the President about this morning. I am sure you would support that effort as well.

General CASEY. Absolutely.

Senator LEVIN. Prime Minister Allawi has stated his intention to recall several divisions of the Iraqi army. As a matter of fact, he had previously opposed the disbanding decision of Ambassador Bremer of the Iraqi army. A number of us have expressed concerns about that decision to disband the Iraqi army also.

Do you support Mr. Allawi's intention to recall units of the Iraqi army after appropriate vetting? Were you involved in the decision or aware of the decision to disband that army after the war?

General CASEY. I was not involved in the decision, Senator. I, like everyone else, was aware of it.

The discussion of the structure of the Iraqi military was one of the main topics of Deputy Secretary Wolfowitz's mission to Iraq last week. The outcome of that session or those sessions that we had there was conveyed in Prime Minister Allawi's press conference of a few days ago.

It is my understanding that he has basically backed off of the idea of recalling full divisions. He has agreed to convert the Iraq Civil Defense Corps (ICDC) forces that we have built, into national guard divisions. The way they will do that is they will put brigade and division headquarters on top of them which gives the Prime Minister the opportunity to bring some mid-level officers that are vetted back in to fill those headquarters.

Senator LEVIN. They will have internal security functions I assume. Is that not correct?

General CASEY. They will have regional internal security functions. That is correct, Senator.

Senator LEVIN. You support that?

General CASEY. I do.

Senator LEVIN. General Casey, you are going to be responsible for the operation of Abu Ghraib and other prison facilities in Iraq. That is going to include the responsibility for interrogation techniques used by our forces. In your capacity as Vice Chief of Staff, were you familiar with those abuse reports, and if so, when did you become familiar with them? Did you have an opportunity to review the reports of the International Committee of the Red Cross (ICRC) relative to Abu Ghraib and other facilities in Iraq?

General CASEY. I was aware of the reports, Senator. I was made aware of them in mid-January, about the same time everyone else—

Senator LEVIN. That was the first time?

General CASEY. First time, when everyone else was made aware. I have seen copies of the ICRC reports, but after I actually came up and testified before this committee. So I was not privy to those prior to that time.

Senator LEVIN. Thank you.

Thank you very much, Mr. Chairman.

Chairman WARNER. Thank you, Senator Levin.

Senator McCain, indulge me a minute. We are going to, as a committee, be briefed this afternoon by the Department of Defense on stages of the Red Cross participation. We are going to start with the security systems at Guantanamo Bay (GTMO), and then in subsequent hearings, we will be covering both the Iraq and Afghanistan situations. Those will be closed briefings today.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Thank you, General Casey, for your outstanding service. We are very grateful that you are assuming your new position of incredible responsibility, and we are very proud of you.

We have had a pretty rough last 24 hours in Iraq, have we not, General?

General CASEY. Yes, we have, Senator.

Senator MCCAIN. The situation in Iraq is not exactly as we envisioned it to be after our spectacular military victory, is it?

General CASEY. It is not how I envisioned it to be, Senator.

Senator MCCAIN. What do you think has gone wrong?

General CASEY. I think the insurgency is much stronger than I certainly would have anticipated. I think they have got support from external sources. But that is the main difference that I see, Senator.

Senator MCCAIN. There were some of us who felt very strongly that we needed more troops in Iraq. I note now that we are up to about 140,000. Is that not correct?

General CASEY. That is correct.

Senator MCCAIN. There are media reports that there is contemplation of even more troops, as many as five additional brigades. Have you heard that speculation?

General CASEY. I have. I saw that press report yesterday.

Senator MCCAIN. But you have not been engaged in those discussions?

General CASEY. I was actually, Senator. That is not a request for forces, as was portrayed in that article. That is CENTCOM doing some prudent planning in the event the security situation changes, but it is not a request for forces or even an informal request for forces that the report portrayed.

Senator MCCAIN. Do you think we need more forces there?

General CASEY. Senator, I have been on the ground for all of 3 days. I do not have a good enough appreciation to give you an answer for that. I can tell you that if I get there and think I need more, I will ask for more.

Senator MCCAIN. I would like to go back to Fallujah a second. Napoleon had a line. He said, "If you say you are going to take Vienna, take Vienna." Right? A couple of months ago, the command in Baghdad said that we were going to either capture or kill al-Sadr and put out a warrant for his arrest.

After four American citizens were killed and dismembered in Fallujah, the command in Baghdad announced that we were going to go in and do whatever was necessary to bring to justice those who were responsible for these murders and atrocities, and we were going to have Fallujah under control.

I do not believe, General, that we can make statements and then act in an opposite way.

Apparently this unrest and series of terrorist activities are primarily in the Sunni Triangle, at least in the last 24 hours or so, and all reports I see are that Fallujah is now a sanctuary for these people. I believe the agreement was that they would turn over their weapons and disband. No weapons have been turned over, and militias have control of the city of Fallujah.

How do you explain statements that are made in one way and now a situation where, at least in the view of some experts, the attacks are being orchestrated from Fallujah?

General CASEY. Senator, I do not have insights into the decision-making process that led to the current situation. I will take your insight, though, not to over-promise what I cannot deliver, and I think that is something that I made a note of.

Senator MCCAIN. I am very concerned, as I know you are, about this increasing sophistication of the insurgency. I think everyone is also aware that we have been unable to secure the borders, which, as you mentioned, is one of the contributing factors in this influx of foreign fighters. It seems to me, General, that we need to make decisions pretty quickly as to whether we are going to be able to secure that border or not, and if we want that border secured, what it is going to take to secure it.

I have great admiration for everyone who is serving in Iraq from General Abizaid on down, but I think you would agree that we are in a very critical time as regards the situation in Iraq. Success or failure may be dictated by what happens in the next few months. Would you agree with that?

General CASEY. I absolutely agree with that, Senator.

Senator MCCAIN. If you need more help, then I think that you ought to ask as quickly as possible. The most disingenuous answer I have ever heard in my life was that the commanders on the ground did not ask for them. It is not the decision of the commanders on the ground. I do not think I have ever met a one-star General who wanted to be a two-star General that would say that he needed more help. So I hope that you will make an assessment as quickly as possible as to what your needs are in order to successfully bring about this evolution of bringing freedom and democracy to the Iraqi people. I do not see how you have an environment right now that does not make that transition extremely difficult. I would be very interested in your thoughts.

I thank you again for your service and your willingness to take on the challenging and daunting task that lies ahead of you.

General CASEY. Senator, thank you. That is, from my view, two good pieces of advice. Do not promise what you cannot deliver, and make a quick assessment and act on it, and I will do those.

Senator MCCAIN. You agree with my assessment about the problem on the borders? Is that correct?

General CASEY. I do, Senator. In fact, that was a point of discussion during the security discussions we had with Deputy Secretary Wolfowitz and the Iraqi security officials. There is a clear recognition that we, the Iraqis, and the coalition need to do something on the borders.

Senator MCCAIN. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

General Casey, thank you and your family for being willing to accept this command. At the outset of your statement, you said there was no greater honor for a soldier than to accept a command of this kind. In my opinion there have been few soldiers who have accepted a command of this kind that is more important to the security of the United States than the one that you are accepting now. So I am extremely grateful to you for doing that.

I say that because Iraq has now become a major battleground—the major battleground—on the war against terrorism. As Senator McCain has just said and you have agreed, the next 2, 3, 4 months as this interim Iraqi government attempts to assume leadership and is threatened by the Saddam loyalists and foreign terrorists, our ability to maintain the security that will allow this new Iraqi government to take hold is critically important. If the terrorists should gain victories here and in the worst case make it impossible for the elections to take place and Iraqi self-government to go forward, it would be a terrible setback in our war against terrorism and in our general pursuit of a stable and peaceful world. So I thank you for taking on this critical command at this critical moment.

I want to ask you in that regard to speak about your own vision of a strategy for U.S. and coalition forces to achieve the improved security environment that we all want throughout Iraq. I want to pick up on some of your answers to Senator Levin and Senator McCain and particularly to tell you that I was encouraged to hear you say that you believe the offensive mindset must be continued, because there are stories always coming up that we intend to go back to garrisons and the like.

What does an offensive mindset mean in this case, particularly as the Iraqis take over and we have a new relationship with the Iraqi security forces themselves?

General CASEY. Senator, for me an offensive mindset means that the leaders of the Multi-National Force are constantly focused on the enemy and constantly assessing his vulnerabilities and what they can do to take advantage of those vulnerabilities. That is a continuous process. While we may be less visible with our helicopter flights or less visible with our patrols, the leaders need to stay focused on the enemy so that we can push to get the intel-

ligence we need to conduct precise operations with the Iraqi security forces. That is the mindset that we cannot lose.

Senator LIEBERMAN. A few months ago, General Abizaid was here with General Sanchez. We asked them what some of their main needs were at that point in Iraq, and the answer, I think General Abizaid gave, was better intelligence. What is your sense of how we are doing there?

In that regard, I was heartened to see in the last couple of weeks, going back to Fallujah, that presumably intelligence identified some houses where leaders of the enemy perhaps were located, and we hit them from the air.

So, one, what is your assessment of our intelligence at this point? Two, can we expect more offensive actions of that kind against the enemy?

General CASEY. It is hard for me to say specifically, because I do not have direct visibility of what is going on in theater right now, but I think the short answer is General Abizaid's and General Sanchez's intent is to continue to seek out the foreign fighters and the former regime loyalists and attack them where they are. So in general terms I think you will continue to see that.

[The information referred to follows:]

We are confident in our intelligence assessment that current levels of offensive actions by foreign fighters, terrorists, and/or former regime elements will remain the same in the near term with spikes in the run up to the National Conference, the U.S. Presidential elections, and the Iraqi elections. Violence should begin to decline once Iraqi security forces become more expansive and proficient and are able to increase their control over troubled areas. We expect foreign fighters and terrorists to continue their attacks against soft targets such as Iraqi Police, the Iraqi Interim Government, and supporters of the government. These groups will also continue to conduct attacks against coalition forces. We will continue to conduct offensive actions as necessary to neutralize, destroy, and eliminate foreign fighters terrorists and former regime elements that threaten the security and stability of Iraq.

Senator LIEBERMAN. As you now begin to head over to assume your command, are there specific regions within Iraq, based on what you know and the visit you made last week, where you have greater concerns about security, and if so, what plans do you have to improve security in those specific regions?

General CASEY. Certainly the Sunni Triangle, Senator, is the area that I believe is my greatest concern. As to specific measures to conduct operations within the Sunni Triangle, I will have to work those once I get on the ground there.

I will tell you I have a general idea that if you want security, you have to have intelligence, and if you want to have intelligence in a counter-insurgency environment, you have to change the perceptions of the people, first, toward the insurgency and, second, toward the coalition forces. You do that through a variety of means where you apply all the elements of national power. Then you get the intelligence. Then you get the security.

Senator LIEBERMAN. Well said.

How about your top operational priorities as you head over to assume command of the Multi-National Force-Iraq?

General CASEY. Working with the Iraqi forces to defeat the insurgency and training Iraqi security forces are my top two priorities. The third priority, in conjunction with the United Nations and the embassy, as you said, is the elections.

Senator LIEBERMAN. Right.

General CASEY. I believe, as you suggested, we are going to have to fight to get to the elections. But 80 percent of the Iraqi people want to have those elections. They want to elect their own government, and we need to help them get there.

Senator LIEBERMAN. I agree. I have been encouraged by the news reports that the Iraqi people are encouraged by the new government, Prime Minister Allawi, President Yawer, and we have to give them an opportunity to take hold.

Let me ask you a final question about NATO. I know we have a NATO summit coming up. We have made some progress, obviously, through the U.N. Security Council resolution in, if you will, internationalizing the commitment to a self-governing, stable Iraq. But unfortunately, as Chairman Warner indicated earlier, our allies still have not been very forthcoming with support.

Ideally, what would you like from our NATO allies? Troops on the ground, money for civilian reconstruction, a more fulsome involvement in the training of Iraqi security forces? What would be your priority list?

General CASEY. Those all sound good to me, Senator. [Laughter.]

Really, my number one priority for international forces would be a brigade for the security of the U.N. mission.

Senator LIEBERMAN. That is very interesting.

General CASEY. Whether it is a NATO force or if it comes from other countries with the U.N., that would be my—

Senator LIEBERMAN. Right, to create the confidence that will bring the U.N. back in and keep them there.

General CASEY. Allows them to set up the elections.

Senator LIEBERMAN. To do what they do.

General CASEY. Yes.

Senator LIEBERMAN. General Casey, thanks a lot. I wish you the best. To say the least, I know that you and your family are in the prayers of all members of this committee and I would say of all Americans. Godspeed.

General CASEY. Thank you very much, Senator.

Senator ROBERTS. Excuse me, General Casey. All of a sudden, it looks like I am presiding.

General CASEY. I am just trying to find out if Dave came back. [Laughter.]

Senator ROBERTS. What do you need? I can get the gavel, and we can get this done. [Laughter.]

Just let me start by thanking you for being here today and, as my colleagues have indicated, for your service to our country.

I do not think anybody has to tell you that you have got a very tough job under very difficult circumstances. I do not know of a tougher job in regards to our national security than the one you are assuming. It is in the midst of the prisoner abuse scandals, tough resistance from the insurgents and foreign fighters, what I think now is a virtual terrorist assault in this next 6-day period, and quite frankly, some questions here at home about the mission at hand in terms of our resolve, and with the 24-hour news cycle, maintaining that resolve may be one of our biggest challenges. That is up to us, not to you. But at any rate, it certainly exists.

We have talked about security being the foundation for victory in Iraq. You have just been over there. You came back and gave me the benefit of a courtesy call. You were optimistic about the caliber of people in regards to the transitional government, and we get that from most people who are familiar with that situation.

But I am interested in your assessment of the challenges in training and the current effectiveness—and I really want to emphasize the current effectiveness—of the Iraqi security forces who are going to have to shoulder this burden along with us. I know there is a 1,000-member intelligence force and that the intelligence head of that force has been conducting public hearings with the Iraqi people saying I have no prison, please feel free to come to the intelligence security forces, and get down on that family and that clan level so they feel free, from a security standpoint, to share the intelligence that we need so we can better predict the situation on the ground.

There is a 5,000 member outfit now called the Iraqi Intervention Force.

How far along are we in terms of the current effectiveness of these two organizations so that we can, at least, meet the challenges of the next 6 days and, as many Senators have pointed out, the next 2 or 3 months? I know we are in the midst of training. I know we need the NATO training, and I know we need more training. But right now, how effective are we in this crucial next 6-day period?

General CASEY. Senator, I do not know right now the status of that intelligence force. I think, as I mentioned to you, I am going out to the agency tomorrow to talk about precisely that subject.

Senator ROBERTS. Well, they are working overtime on it, I can assure you of that, but I think it is absolutely essential.

Let me touch on something that Senator McCain and Senator Lieberman also brought up. I am not sure, as the Iraqi forces try to take on more responsibility—and I certainly hope they can—in regards to how the practices and the procedures that our force operate under change. I am not sure how we do that yet. I know pretty much what the plan is or what we would like to do. But we are in the midst of a terrorist assault right now, and my guess is that will continue for the next 6 days and in the 6 months leading up to the election.

Now, Fallujah is the classic case in terms of being a unique challenge. If you go out to Walter Reed and you talk to the marines involved who were there, the heroes of the day, they indicate we should have the green light. We should have been offensive to the point that we took care of that situation as opposed to simply pulling back. That echoes the concern that was stated by Senator McCain.

How do you anticipate dealing with such challenges after June 30? I know Fallujah is going to be there, and there are several other areas in the Sunni Triangle. How are we going to do that?

General CASEY. They are currently working now, Senator, to set up the consultation mechanisms to allow us to do that. When I talked to General Sanchez this morning, he said that he was quite comfortable that he has the access that he needs to discuss and work through sensitive offensive operations, which is what we

would call the situation in Fallujah. So they are going to have to be discussed, and they are going to have to be done in conjunction with the Iraqi security forces, which I think will be a great asset to us.

Senator ROBERTS. I hope they will be a great asset to us. I just think the Iraqi Intervention Force—I hope we can get to the training, but I have my doubts in terms of their battle effectiveness as of right now.

General CASEY. I think your doubts are justified right now, Senator.

Senator ROBERTS. I have to say that I am a great fan of General Jim Jones, and I am a great fan of what he has tried to do and what NATO has done and is trying to do in Afghanistan. I think there were 31 nations involved in that. But in terms of their commitment, even in Afghanistan, we now find it is short of what we need.

So I am not as sanguine about this in terms of the training by NATO. I hope we get that, but I think there ought to be a message at the NATO summit that either NATO fulfills its obligations—all this talk about out of country operations, et cetera. I think we are at a crossroads here, and if we cannot get their help in terms of training, I think some pretty straight talk is due at that summit. Obviously, you are not going to be a participant in that, but that is just my view.

Thank you for what you are about to undertake, and it is in outstanding hands. I wish you godspeed.

General CASEY. Thank you very much, Senator.

Chairman WARNER. Thank you, Senator Roberts.

Senator Roberts and I had the privilege last night of speaking together at a dinner in honor of General Tommy Franks. I must say Senator Roberts' speech brought the house down. Mine barely propped it up. [Laughter.]

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

General Casey, thank you for your service to our country, and I thank your family for continuing to support you as you work to help us achieve freedom across the world and make a safer world for all of us.

In previous times when you have testified, I have always thought you have been direct and candid. I think you have been today and I think you will be in the future, because you are going to be asked to give us your honest impression, your honest opinion about where we are and where we are going, that's what it is going to take to get us there.

In the face of the changing nature from occupation to partnership, my first question is, do you have any thought about what kind of a partnership we have here? Is this an equal partnership? Is everybody a senior partner? Or is there a senior partner and a junior partner? Are we associates in the process, or will that emerge over a period of time?

General CASEY. Senator, I would say that is going to emerge over a period of time. We will establish the consultation mechanisms and the more we interact, the more sharply the relationship will become defined.

Senator BEN NELSON. But it is probably safe to say that as it relates to our military and control of our military, that we are not going to be the junior partner in that particular respect.

General CASEY. Yes, Senator. All of the U.S. coalition forces will be under my command, the command of the Multi-National Force.

Senator BEN NELSON. In that regard, it seems to me that as we look forward to the transition and getting you international support, going to NATO and as part of the NATO summit and request for NATO support, that we may have the wrong party asking for NATO support. I do not think that our government is in a position to get yes for an answer. We have, thus far, have not even gotten a maybe.

It seems to me—and I would like your candid impression of this—if the new government of Iraq, following on July 1, were to ask NATO for support, that NATO would be more inclined to look at it and try to find a way to be supportive as opposed to presently being disinclined to respond to our requests or our suggestions, if not a formal request. What are your thoughts about that?

General CASEY. I think you are exactly right, Senator. That specific idea was discussed with the Iraqi leadership, and I would not be at all surprised to see a request like you suggest prior to the summit.

Senator BEN NELSON. General Casey, I am pleased you think it is a good idea because I wrote Secretary Powell suggesting that some time ago, and so it is nice to have some confirmation of that.

In that regard, do you think that it is a possibility that NATO could come in and provide the security for United Nations, recognizing that we think about NATO support and we talk about NATO troops, when the truth of the matter is there are not as many NATO troops as people might imagine. How many NATO troops do you think could be available if NATO said we will give you all that we have?

General CASEY. Senator, I do not have any view on that. I would have to check.

Senator BEN NELSON. But do you think that they could give enough at least to provide security, if they were so inclined, to do so at the request of the new Iraqi government?

General CASEY. I certainly would hope that even with what they are doing in Afghanistan and Iraq that there would be a brigade left.

Senator BEN NELSON. As it relates to the number that we have there right now, 140,000 American troops, you have already indicated if you think you need more troops, you will ask for more. If we had more, would the time frame for the troops being there be reduced? Is there some correlation between how many troops we have and how fast we can get the job done?

General CASEY. Intuitively you would say yes, but I am not sure, having not been on the ground.

Senator BEN NELSON. But if you find out that is the case, you are not going to be reluctant, I take it, to ask for more support of troops on the ground.

General CASEY. No, I will not, Senator. I would say that it is the training of the Iraqi security forces, as Senator Roberts suggested, that is the key.

Senator BEN NELSON. I think you are right, but what bothers me a little bit is that Ambassador Bremer said some time ago that that was sort of a hollow support system, that it is almost there but not there. Therefore, it is going to take some time. Any thoughts about how long it might take to get a sufficient Iraq security force so we can begin to reduce our presence there?

General CASEY. Actually, as we traveled around to the divisions and had our meetings, the division commanders were fairly positive in the fact that the equipment that they had been needing for so long——

Senator BEN NELSON. Our division commanders?

General CASEY. Our division commanders—is actually starting to flow to the Iraqi security forces in good quantity.

Senator BEN NELSON. It is fast enough? I was of the impression that maybe it is not coming quite as fast as they would like it to.

General CASEY. I am sure it is not.

Senator BEN NELSON. Okay.

General CASEY. But it is coming in good quantity and at a good clip.

I think you will see that we will start getting some quality forces. There are some quality forces there in different parts of the country now, but I think you will start seeing quality forces across the country by late fall.

Senator BEN NELSON. Well, again, I thank you very much, look forward to your service and to work together to find a way to support what we are doing in Iraq. We know that we cannot afford to lose it, and we do not want to have to keep redefining what winning it is. So I thank you very much, look forward to working with you. Thank you.

General CASEY. Thank you, Senator.

Chairman WARNER. Thank you, Senator.

The distinguished Senator from Alabama.

Senator SESSIONS. Thank you, Mr. Chairman.

General Casey, it is great to have you with us, and I am delighted that you will be taking charge in Iraq. You are a senior officer, a four-star General. I was looking at your educational background of Georgetown University and a masters in international relations at the University of Denver. You were a platoon leader in the 509th Infantry Airborne, a ranger, a military observer for a year with the United Nations Truce Supervision in Jerusalem, which gave you some insight into the Middle East problems. You were a fellow with the Atlantic Council for a year. You commanded the 3rd Brigade, 1st Cav Division and spent time in Bosnia and Herzegovina. Then the Commanding General, 1st Armored Division, and the Joint Warfighting Center Commander. Of course, now you are the Vice Chief of Staff of the Army. I think it will enable you to be more effective in dealing with Washington, more effective dealing with our NATO allies, and even our friends in Iraq. Your experience and your rank will just be an asset there, and I think it is a good decision that you will be going.

It seems to me that the security situation in Iraq is emblematic, or part and parcel, of a group of very tough, violent people who, in the past, particularly Saddam Hussein, have achieved power by intimidating good people, by killing good people, and intimidating

them from standing up for themselves or being able to maintain a decent government. The thugs, through their violence and terror and intimidation, have been successful, and Saddam Hussein was a master of that.

Do you sense that is sort of what we are about, that there is a group of good people that would like to see a stable, prosperous, free Iraq, and then there is a group of people who want to seize power there for whatever reason, whether it is religious or secular, money or just power, and somehow we have to encourage and embolden the good people to stand firm and defeat these people?

General CASEY. I do agree with you, Senator. That is exactly the strategy that we need to pursue.

Senator SESSIONS. So that does call on us to deal with the Iraqi military and Iraqi security police and security forces. I was there in August of last year. We emphasized that and went out to Kirkuk where they have a remarkable center that is quite effective I believe for training military. I thought at the time we had too few people moving through and moving too slowly.

Do you see the center as something that we can utilize to train? Are you optimistic about being able to train increasing numbers of people to a high degree? Do you consider that part of your responsibility?

General CASEY. It is clearly my responsibility to assist the Iraqis and organize training and equipping of security forces. I am sorry, sir. I missed the place, the training center.

Senator SESSIONS. I believe it is Kirkuk out in the desert there about 80-90 miles from Baghdad. It is really an extraordinary place. The buildings were, for the most part, never completed, but brand new buildings with streets. Saddam Hussein never really occupied it, but it is an extraordinary facility I thought.

What about General Petraeus and his relationship there? How do you expect to interface with him?

General CASEY. He is my direct subordinate, and he will work for me as my principal subordinate for organizing, training, and equipping the Iraqi security forces.

Senator SESSIONS. I know we are stepping up our efforts to train Iraqi police, but they are under brutal attack, because if the Iraqi police succeed, the bad guys lose. If the Iraqi army succeeds, the bad guys lose. What thoughts do you have about how we can go from forces that are capable under certain circumstances, but under hostile military attack have not performed well? How can we make that transition to move them from being capable under certain circumstances, as they are today, to a higher level capable of defending themselves and bringing fire power against significant hostile forces?

General CASEY. Senator, I would say, first, it will be a phased approach. It is not going to happen all at one time across the country. It is going to happen in different places faster than it is going to happen in others.

The second point I think I would make, Senator, is that we need to maintain our focus on producing quality security forces rather than trying to crank out large numbers.

Third, the equipping piece is a big part of it. We can run a 3-week training course, but if the guy does not have a good rifle, does

not have a uniform, does not have a radio, does not have a vehicle, it is really a hollow force. So maintaining our focus on quality over quantity I think will help us in the long run.

Senator SESSIONS. We have had top officials in the Defense Department admit that, for various reasons, it has been difficult to get the equipment and the weapons necessary for our security forces. Will you tell us that if there is a difficulty there, you will let us know? Maybe this Congress and this Senate can help you get what you need for those people.

General CASEY. Senator, I will.

Senator SESSIONS. General, I thank you for your service to your country. My time is up. You have a great career. This is going to be a tremendous challenge. It is important for the world and to the United States that we be successful. I believe the vast majority of the people in Iraq do want a good and stable and free government. That is what they want. There is a tough group out there that want to deny that and seize power themselves. It is going to take a lot of skill, military, diplomatic, personal, to join our forces with the free Iraqi forces to defeat these people. I wish you godspeed.

General CASEY. Thank you, Senator.

Chairman WARNER. Thank you, Senator. I wish to associate myself with your closing remarks. They are well stated.

Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman.

General, I want to thank you also for your willingness to assume this responsibility, and thank you for your offer to stop by yesterday. I am sorry I had to cancel our meeting. We had a series of votes.

I wanted to take this opportunity, since I was not on the floor last night, to thank our chairman and ranking member for their successful completion of the defense authorization bill. Both of you just did a superb job, and it is an honor to serve under both of you. Thank you very much.

Chairman WARNER. Well, you were an active participant.

Senator DAYTON. Well, I was. I went over with these two gentlemen to Iraq last July. I will not reveal their ages, but they are several years older than I am, and I could not keep up with either one of them in 115 degree July weather. So if you need a couple of additional troops on the ground, you could not do any better, I guarantee. [Laughter.]

General CASEY. I think they are more useful back here. [Laughter.]

Senator DAYTON. Well, that might be.

All of us agree that it is imperative that the United States achieve success in this undertaking in Iraq in both reality and perception. One of my concerns is that I see just incredibly heroic American forces, men and women, have achieved the successes that they were initially sent over to achieve and the President sent them in for. They overthrew the Saddam Hussein regime. They determined that there are no weapons of mass destruction that threaten our national security.

Now it seems that success has been redefined almost in a way that makes it much more difficult for us to realize. The President noted recently that, "success is now freedom and independence, se-

curity and prosperity for the Iraqi people." How long do you think it would take realistically to achieve that measure of success, freedom and independence, security and prosperity for the Iraqi people?

General CASEY. Freedom, independence?

Senator DAYTON. Freedom and independence, security and prosperity for the Iraqi people.

General CASEY. I would be hard-pressed to put a time limit on that, Senator.

Senator DAYTON. I would too, sir. It concerns me because, as I say, I think our Armed Forces, the coalition forces achieved success. We won the victories that they were initially sent over to win, the overthrow of the regime, the capture, elimination of Saddam Hussein and his sons, and most of his top people, henchmen, and then determining that there are no weapons of mass destruction. In my view those are the victories that our forces were sent over to achieve. Now they are caught in this very much more protracted and nebulous struggle with these terms that if I even apply them to our own American history, took us years, even decades to realize.

Another rationale that has been set forth here today by some of my colleagues is, "Iraq has become the major battleground in the war against terrorism." Another statement here today is we are in the midst of a terrorist assault.

We may by the actions, not of our forces, but by the political ineptitude of this undertaking over the last year-plus have created in Iraq the major front of battleground in the world against the forces of terrorism, but that did not, in my judgment, exist prior to our invasion of that country. In the void, perhaps, that has been allowed to develop there, perhaps that is the case.

But I think we have to be careful with our terminology here so we do not misperceive our situation there and misrepresent it to ourselves and the American people.

What percent of the "insurgents" are, in your judgment, international terrorists and what percent are Iraqis who want us out of Iraq?

General CASEY. Senator, again, not having spent a lot of time on the ground there, I will give you my judgment, and that is, a relatively small percentage are foreign extremists, and the majority are former regime loyalists.

[The information referred to follows:]

We cannot document this with hard intelligence and cannot prove it definitively, but the MNF-I Counterterrorism Team estimates that 10 percent or less of all fighters in Iraq are associated with Abu Musab al-Zarqawi or are considered to be foreign fighters; the remainder are a mixed bag of former regime elements, Iraqi Sunnis, Baathists, Shia, and others that want the coalition out of Iraq.

Senator DAYTON. Maybe sometime after you have had a chance to be there, if you could, update us. Certainly, we cannot allow the country to become a breeding ground or a staging area for international terrorists whether they are operating there or planning assaults against the neighbors in the region or against ourselves. But I think it is important to make that differentiation.

You also talked, sir, about changing the perceptions of the Iraqi people toward the coalition forces. You also this morning talked

about developing a more offensive mindset for our forces. Do you see those as compatible or complementary goals?

General CASEY. I do not believe I said a more offensive mindset. I said to maintain an offensive mindset.

Senator DAYTON. Continuing.

General CASEY. But it is thinking competitively about an enemy. That is the mindset I am talking about. It is not necessarily offensive operations all the time. Again, you have to keep thinking about your enemy and how you can get an advantage on it. That is the spirit of the mindset that I would like the force to have.

Senator DAYTON. Let me ask it this way then. Do you think, given all that has transpired in the last year, that it is possible to change the views of the general Iraqi population, whatever those views are? I am sure they are a mixture toward the coalition forces.

General CASEY. I do believe it is possible, Senator, especially after the 30th of June. We will then be in a position of supporting the Iraqi security forces and protecting the Iraqi people from the murderers, as you saw today, that killed 50 to 70 people today, Iraqis. That is a big difference from being an occupier to being a protector of the Iraqi people.

Senator DAYTON. I met this last weekend with a dozen Iraqis, now most of them American citizens but still all of them, in fact, born in Iraq, and some of them now are also legal residents of our country in Minnesota. Several of them had been in Iraq just in the last couple of months, one of them for an extended period of time.

I guess I would commend the International Red Cross report to you for your assessment of what they also related to me about the conditions in Iraq. I do not fault our troops. I think they are in an impossible situation over there, being the police and patrol that they were not trained to be and should not have to be, but in the vacuum of that society, they were put in that position. The way they have had to interface with the Iraqi population, as I say, has been difficult.

I am trying to understand why is it that over this period of a year from the published opinion polls and anecdotal reports, the attitude of a lot of the Iraqi population, just the regular people toward our presence there has really changed. The way in which the 42,000 Iraqis who have been incarcerated for some period of time have been apprehended, I think is instructive, and also the failure, according to the report, of our providing families with information about where their loved ones are being held, for how long they are going to be held, when they are going to be released, if they are going to be released, if they are alive. All of that, I think if you take 42,000 people who have had that experience and multiply that by family and friends, in my mind anyway, you start to get a sizeable group of people that have not had the kind of experience that you are going to consider befriending our forces. That makes our forces more vulnerable to these kinds of attacks.

Finally, I just would say, based on that conversation as well—my time is up—but I commend for your consideration that there has been talk here about a NATO force coming in to supplement our forces. The Iraqis, in their view, would see United Nations forces as far preferable to NATO forces because it would be a different complexion. There would be hopefully Arab nations partici-

pating in that U.N. force. It would be truly international. So I hope we can keep in mind the advantage, at least as they presented it, of a U.N. supplement force rather than just a NATO force.

Thank you. Good luck, sir.

General CASEY. Thank you, Senator.

Is there a specific ICRC report that concerned you?

Senator DAYTON. I read off of the web site. I will get you a copy, sir.

General CASEY. Thank you.

Chairman WARNER. Thank you very much.

Senator DAYTON. Thank you, Mr. Chairman.

Chairman WARNER. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

General, let me begin by joining my colleagues in thanking you for your willingness to take on what is a daunting and dangerous challenge. We very much appreciate your public service.

General, we all awoke this morning to the very bad news of coordinated attacks on a number of police stations in three different cities in Iraq. Less than a week from now, the coalition will complete the transfer of sovereignty to the Iraqis. In view of these continuing attacks and the targeting of Iraqi police forces, what is your assessment of the ability of the new Iraqi army and the police forces to provide security for the Iraqi people?

General CASEY. As I said, Senator, right now my assessment is that they are not capable of providing security country-wide. They are capable in different places around the country but not country-wide. So as Prime Minister Allawi has asked, they need the support of coalition forces for an interim period here, as we build strong Iraqi security forces to take the role themselves.

Senator COLLINS. Is there still a problem with Iraqi forces being infiltrated by insurgents and thus, when called upon to fight the insurgents, we are finding that it is not clear whose side some of the Iraqi police forces are on?

General CASEY. I think you will always have a problem like that in the situation we have right now. I did not get a sense that it is a severe problem, but it is something that everyone is keenly aware of.

I did hear an interesting report about this 36th battalion of the Iraqi Civil Defense Corps (ICDC) that was formed out of the representatives from the political parties. So it was really a multi-ethnic unit. Because of that, it became self-vetting. If someone was a bad guy and reporting, the other folks were telling on them. That will help us a lot. One of the things we talked about in the security discussions was in fact vetting. The Iraqis know themselves who the bad guys are, and I think it will make a big difference after June 30.

Senator COLLINS. I also want to talk to you about security from a different perspective. From all reports, we have an unprecedented number of private security forces that are supplementing our troops in Iraq. Some in fact have suggested that private security forces, numbering approximately 20,000 people, comprise the third largest armed force in Iraq. Does our heavy reliance on private sector contractors for security suggest that we have either an inad-

equate number of troops in Iraq or the wrong mix of troops on which to draw?

General CASEY. Senator, that is a great question. I do not know enough about the private contract security to give you a credible answer right now. So I would like to take that one and get back with you, if that is okay.

[The information referred to follows:]

No. I think we have an adequate number of troops in Iraq, and I think we have the right mix of troops. We have enough troops to ensure our force protection and accomplish all necessary and required missions as we work to obtain security and stability in Iraq. We are taking all necessary, appropriate, and available measures to ensure the protection of U.S. and multi-national forces. The number of troops and the mix of troops are steadily improving due to the training of Iraqi security forces and the introduction of additional forces as part of MNF-I. Every day the number of Iraqi security forces is increasing. The new security forces personnel will contribute to short-term and long-term benefits to the command as they assume security missions right away and represent the future stability and security of Iraq. The mix of troops will benefit from the anticipated arrival of troops from other Arab nations.

I do not think we rely too heavily on private security contractors. We have two types of private security contracts in Iraq: reconstruction support services contracts (RSSC) and private security detachment contracts. The reconstruction support services contracts help ensure the safety of contractors and program management office (PMO) personnel in Iraq. These contracts are designed to ensure the security and protection of PMO personnel and the 10 major prime reconstruction contractors and their subcontractors as they deploy, occupy work sites, and perform reconstruction activities throughout four regions in Iraq (i.e., CPA Baghdad, CPA Central, CPA North, and CPA South). The contractor also provides personal physical security protection for PMO fixed facilities and personnel. A contractor also protects the transportation of cargo from the point of entry in Iraq to the point of destination, usually DOD warehouses. Private security detachment contracts are necessary due to the special risks associated with military service in Iraq, including the risk of capture, kidnap, and murder.

Senator COLLINS. Does it trouble you or concern you that we have such large numbers at a time when it appears we do not have an adequate number of military police units, for example?

General CASEY. Again, Senator, I do not know enough about the private security contractors to give you a credible answer. So I will get back with you on that.

[The information referred to follows:]

No. I am not troubled or concerned about the number of private security contractors in Iraq. I believe we do have an adequate number of military police units. As noted above, the private security contracts protect reconstruction activities by other contractors, ensure the safe transportation of cargo and provide personal protection services. The private security companies are primarily engaged in the business of providing security to civilian contractors and their materiel. They also provide security inside military facilities, for example, building and site access, and provide essential personal security for key leaders. The military police units are employed in traditional military police roles. They ensure force protection on military bases, conduct searches as necessary, operate detention facilities, conduct law enforcement missions, and do other missions to ensure the security of the force. They are responsible for base perimeter security, access to military bases, and other key force protection missions. The numbers of military police appear to be adequate to accomplish all required missions.

Senator COLLINS. Well, it is an important issue to this committee and also to the Governmental Affairs Committee which I chair. The issue has arisen, for example, in the prison abuse case where it appears that some private sector contractors may have been involved in the abuse. We know that a lot of the security for coalition authority personnel is being provided by private firms. We have seen the problem of private contractors being killed or subjected to vio-

lence. I am just wondering. That seems to be an unusual war where we are so heavily dependent on the private sector to provide the troop strength essentially that in previous conflicts would have been provided by the military itself.

General CASEY. It is a different dimension. I agree with you. I would also note, as we have talked previously, what we are doing in the Army to rebalance our low density/high demand capabilities, we are, in fact, creating 24,000 additional military police (MP) over the course of the next 3 or 4 years. So we are taking some steps there to mitigate that.

The whole contractor issue is something that I need to get a lot smarter on, and I think you are right. It is an issue we all need to pay attention to.

Senator COLLINS. Well, I look forward to continuing a dialogue with you on that issue. I wish you well. Be safe.

General CASEY. Thank you, Senator.

Chairman WARNER. Thank you very much, Senator Collins.

Senator Clinton.

Senator CLINTON. Thank you, Mr. Chairman.

General Casey, over the past year, I have enjoyed getting to know you and working with you in your capacity as Vice Chief of Staff of the Army, and I think that one of the most striking tributes to your success in that position is how sparsely attended this hearing is. Boring is good, General Casey. [Laughter.]

I applaud you on that. It is something I have not yet figured out how to do, but clearly you are a master at it. [Laughter.]

It goes to the heart of your success in your present position, and I know your success in the future as well.

General CASEY. I am going to have to think about that. [Laughter.]

Chairman WARNER. I note for the record that when we commenced the hearing, we had half a committee present and a number have rotated in and out.

Senator CLINTON. Well, Mr. Chairman, I was more thinking of the press and the public, particularly the press.

Chairman WARNER. I am proud of the committee. That is where my head count goes.

Senator CLINTON. That is right. I agree with that, but I think the fact that the press is not here and breathing down the General's neck is a good sign for the future.

Chairman WARNER. Yet.

Senator CLINTON. Yet?

Senator LEVIN. They are not breathing down his neck yet. [Laughter.]

Senator CLINTON. General, there are a number of issues that have already been addressed by members of the committee, and I want to touch on a few others to get your reaction.

I, along with a number of my colleagues, have expressed concern about the increasing role and presence of private contractors in performing a variety of security functions in Iraq. I am not talking about preparing meals or being parts of convoys with supplies but actually performing security functions that put them in the line of fire. In fact, we now know that they are not only engaged in what amounts to, if not military, certainly paramilitary actions, but they

are developing their own networks and intelligence services within Iraq. Yet, they are neither bound by the U.S. rules of engagement, nor as I understand it, are they protected by any kind of military shield with respect to the takeover of sovereignty on June 30.

Could you give us your thoughts about this relationship that exists now, and do you have any plans to try to clarify the relationship between U.S. forces in Iraq and contractors and the new sovereign Iraqi government and these private contractors?

General CASEY. Again, as I mentioned, I do not know everything I need to know about this subject, Senator, and it is something that I will commit to looking into.

I do know that as part of the Coalition Provisional Authority's (CPA) order number 17, that they are looking to revise and extend, that they are working the issue of whether contractors get protection or not. It is still an open issue to the best of my knowledge.

Senator CLINTON. But would that protection be military protection, General? Is that what the CPA is looking to?

General CASEY. I am sorry. It is protection under the SOFA-like arrangements of the order 17.

Senator CLINTON. So that would go to the position they would hold vis-a-vis the Iraqi government after the takeover, as I understand it, if this CPA provision is accepted.

General CASEY. My understanding is basically it would say that contractors who are providing support to the Multi-National Force mission would receive protections similar to those of the Multi-National Force. That is what they are trying to adjudicate right now.

Senator CLINTON. Would that, in your view, include those security forces that are working to secure the other contractors who are in Iraq, those working on resumption of electricity, on the maintenance of the oil pipelines, or would they be in a different category?

General CASEY. Senator, I do not know the specifics of that.

Senator CLINTON. The other issue that is related to that that I would like to follow is whether there will be additional calls on our forces with respect to protecting the contractors, and not only the contractors providing security, but the contractors doing necessary revitalization and rehabilitation work in Iraq. With respect to the U.N.'s recent decision not to provide continuing exemption for American forces from the International Criminal Court of Justice, how do you view that as affecting the status of the forces under your command within Iraq?

General CASEY. With respect to the contractors that provide support to the U.S. military there now, we provide support for them and security for them as part of our ongoing mission. For example, the people that run the dining facilities, that drive our trucks and things, they are provided the same security that we provide to our forces.

Senator CLINTON. General, the other piece of this, though, is that as I understand, the United Nations has just refused to continue any exemption for our military forces from potential prosecution under the International Court of Criminal Justice. This is a murky area, and I know that it is not yet resolved. Do you have any reaction to that? Have you been given any guidance as to what, if any, changes you have to oversee when you take command in Iraq?

General CASEY. Senator, I just heard that same report this morning. I do not know the details. I do know that as we talked earlier here, Jerry Bremer is focused on getting an extension of his order 17 approved so that our forces and supporting contractors have the protections that they need, and he expects to do that prior to June 30.

Senator CLINTON. General, have they yet identified the person who will be your counterpart in this new Iraqi government, the commander of whatever forces or security personnel that this new government will put into place?

General CASEY. General Babakur is the senior military advisor to the Prime Minister of Iraq, and he will be my direct interface.

Senator CLINTON. So even though he is what is called an advisor, he will have not only the responsibility for interacting with you but will he have any line command or any operational responsibility so far as you know?

General CASEY. I am not 100 percent sure of that, Senator.

Senator CLINTON. All of these questions about how we interact with the post-June 30 government are really going to be in your lap, General. I know that it is going to be a very challenging task for you to line this up and to get the appropriate understandings.

But one thing I was struck by is that news reports indicate CENTCOM is asking for five more brigades. Is that an accurate report?

General CASEY. It is not, Senator. We talked about that a little bit earlier before you came in. CENTCOM is doing some contingency planning for increased levels of violence. It is not, as the report suggested, an informal request for forces. It is planners doing planning.

Senator CLINTON. Finally, General, are there any projections that you are aware of that have looked to the numbers of troops we will need over the next 1 to 5 years?

General CASEY. Senator, Central Command and Army planners continuously assess and reassess that.

Senator CLINTON. What is the range of troops? Do you have knowledge of that?

General CASEY. Right now we are looking at sustaining planning. Because we have to designate units 2 and 3 years in advance, we want to give them that notification so they have the stability. But we are planning on sustaining the current force levels through at least another rotation. So, Operation Iraqi Freedom 4 (OIF-4)—

Senator CLINTON. Do you know what percentage of Guard and Reserve members that will be consisting of?

General CASEY. My sense is it will stay somewhere between 30 and 50 percent.

Senator CLINTON. Thank you.

Chairman WARNER. Thank you very much, Senator. We brought up and I am glad you brought it up again, the status of forces agreement. The General has been very forthcoming to the extent that anyone knows the full answer to that important question.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Thank you, General Casey. We all welcome your appointment. You are a superb professional with great experience and you were

given a difficult job, and we appreciate what you are going to do for us.

What is your relationship, as you understand it, with Ambassador Negroponte? Are there separate lines of communication through his office, the Secretary of State to the President, separate lines through your office to the Department of Defense? What is the coordination mechanism?

General CASEY. I am his principal military advisor. It is a priority relationship for me to ensure that we work closely together and that our staffs work closely together so that we have unity of effort in the U.S. national mission.

Senator REED. But——

General CASEY. I will finish up here. My chain of command is General Abizaid, Secretary of Defense, President.

Senator REED. As the advisor to the Ambassador, does that imply that he will make the decisions and you will provide advice on military matters?

General CASEY. I will provide advice how the military can best support the operations that he——

Senator REED. He will make the ultimate judgments that have to be made there in the country?

General CASEY. He will make the ultimate policy judgments. I will make the ultimate military judgments with guidance from General Abizaid and the Secretary of Defense.

Senator REED. The obvious question. Who gets to break the tie if you disagree?

General CASEY. We have the possibility of pushing things back up our separate chains. So the decision is taken here in Washington.

Senator REED. Thank you, General.

General, there was an announcement, which was encouraging, of the disbanding of these militias. Since that announcement, I have not heard a great deal of practical information about how that is going, what is the time frame, will it really happen. I ask the question because we all recognize that the Iraqi security services that we are trying to create are months, if not years, away from deployment, and these militias are on hand, ready to go. Given the Prime Minister's avowed intention to get tough with the insurgents, there is I think at least the temptation to start using these militias rather than disbanding them. Can you comment upon that?

General CASEY. As part of the discussions that we had with Deputy Secretary Wolfowitz and the Iraqis last week, the militia agreement was discussed. Although I have not seen it directly, the Iraqis and the CPA worked out agreement with a number of the militias basically to disband over a period of time. Not having, again, a lot of time on the ground there, my personal perception is that it is probably a good thing because what people there are running around with guns ought to be working for the Iraqi security forces or for the coalition.

Senator REED. Well, I agree with that. I think there is sort of an intermediate situation where they are not formally part of the Iraqi security services but they are working in some way for the Iraqi government, and given the number of these militias and their con-

flicting loyalties, that could cause you a huge problem. So, again, this is an issue of concern which I hope you can address.

There is some evidence or information in the media that particularly in the north, the Kurdish Peshmerga is very active, very well organized, and unlikely to easily disband unless all their political objectives are achieved, and also beginning to encroach upon areas where Sunni Arabs were planted years ago. Is that an issue that you are concerned about?

General CASEY. I was concerned enough about it to ask both of the Presidents on our visit what their expectation was for the Peshmerga to disband. What I got back was a willingness to participate in the militia agreement process that they had signed up to do.

Senator REED. Looking at this situation in the last year or so since my first trip in July with the chairman and Senator Levin and then subsequent trips with Senator Clinton and again with Senator Levin, there seems to be a progression or trend on the insurgency. It started off with kind of random potshots at our troops. Many times people were paid to just close their eyes and fire an AK-47 to improvised explosive devices (IED) which require some sophistication in terms of building them and in placing them, and now in the last few days, insurgent attacks which appear to be pretty well coordinated. That is a very disturbing trend. Do you want to comment on that trend, General?

General CASEY. Senator, I do not think there is any question that over time the insurgency has become increasingly sophisticated. Whether they can continue to sustain the level of operations that they had in April remains to be seen. It has already dropped off from the peak in April, but it is still above where it was previous to that.

Senator REED. Then on our side, the tactics seem to be shifting too. It appeared, several weeks ago, around Fallujah that the marines were going to enter the city, root out the insurgents. That was called off hastily because of objections presumably from internal Iraqi political forces, turned over now to Iraqis, our profile lowering. But now we are using apparently attack helicopters to go in and take out selective targets. Sort of a lowering of our profile and then the hope the Iraqis will step in.

The question is, are we creating a vacuum there, or are we doing something that looks a lot like what the Israelis have been doing in Gaza and other places for years, using high tech to go after individual targets? The question is, of course, is that going to be an effective strategy over time?

General CASEY. As I have mentioned earlier, because of the current state of training and equipping of the Iraqi security forces, there will be a phased process here as we gradually bring them to a level where they can take over the security responsibilities for themselves.

It is that interim period here that I think you are talking to. What I talked about here earlier was that we, as a Multi-National Force, need to maintain an offensive mindset that will continue to develop intelligence to go after the insurgents and facilitate the precise application of force, like what you are talking about happened recently in Fallujah.

Senator REED. Thank you, General. Good luck.

General CASEY. Thank you, Senator.

Chairman WARNER. Thank you, Senator Reed.

Just an announcement to our colleagues. Even though most of them have finished their work here, there are staffs and others who are following these hearings. It is imperative, in the judgment of the ranking member and myself, that this committee review the hearing we have had this morning as quickly as we can and hopefully express our support for the President's nomination that you have now received and that we allow the Senate to review the committee's recommendation in the way of a confirmation process either this evening or first thing tomorrow morning.

So, Senator Levin and I are looking to the 3 o'clock hour, at which time the committee will be given the opportunity to receive briefings from the Department of Defense, an initial briefing I stress, on the relationship between the International Red Cross and our command structure and the oversight of our prison structure in all areas of responsibility (AORs).

So, General, I am quickly going to ask a few questions here. We are going to take a minute or 2, each of us.

The United Nations, hopefully, will begin to reestablish its mission. I presume you have that on a high priority of your security demands.

General CASEY. It is, Senator. It is specifically stated in the U.N. Security Council resolution.

Chairman WARNER. Yes, I am aware of that. Good. But I think it is important this record reflect your commitment to that.

Back to that resolution 1546, unanimously approved on June 8, the document refers to the requirement to reach agreement with the government of Iraq regarding "policy on sensitive offensive operations." Now, as the Commander of the MNF-I, what does this language mean to you? Anything above and beyond the interpretation of the English language? Perhaps it was left in that form purposely to give you the latitude to work with your counterparts to effectively carry out the missions. Is that correct?

General CASEY. I believe that is the case, Senator.

Chairman WARNER. The recent violence, which several colleagues, notably Senators Sessions and Collins, and others on this side have raised, led the new Prime Minister to suggest that some form of martial law might be implemented in order to restore order and establish security. I suggest we not try and put too much in the record about that today because I think that is a subject that you will have to put high on your agenda as you work with the United States Ambassador and the Iraqi government and your counterparts in the Iraqi forces.

If that decision were to be made by the successor government, this committee will bear down very closely in its oversight responsibilities and just see what is the role of the coalition forces in implementation. Obviously, in the minds of the Iraqi people, all of the various nuances in these laws and regulations and working relationships are lost. It is the American GI and the coalition GI that gets the flashback when the necessary use of force is applied. So this is very important to this committee to follow should that step eventually be taken. So I will just make that by way of reference.

General CASEY. Thank you, Senator. I will look closely at that if that does in fact occur.

Chairman WARNER. I know you will. We are very fortunate to have a man of your vast experience and capabilities take on this position.

I had another question I wrote down here, being an old farmer. I am out of the business now. You do not put two bulls in the same pen, and I am not entirely sure how it works putting two four-stars in the same pen. But we know both of you quite well from years of experience with General Abizaid and now recent experience with you. We are going to follow that. We are going to see just how well that works.

General CASEY. I think you will find, Senator, that it will free General Abizaid up to be more proactive.

Chairman WARNER. I beg your pardon?

General CASEY. I think you will see that it will free General Abizaid up to be more proactive throughout the rest of his theater, something I know he is concerned about.

Chairman WARNER. Well, I think that is a very important consideration for the creation of this post. Nevertheless, still two bulls in the same pen.

Senator Levin.

Senator LEVIN. I know a couple of bulls in the Senate pen. [Laughter.]

Chairman WARNER. Yes. You are looking at two of them right now.

Senator LEVIN. They have great respect for each other.

Chairman WARNER. Order please. You think up your own metaphor. [Laughter.]

Senator LEVIN. Literally, it can lead to tremendous respect, I think, given the backgrounds of both of you. But it is a good cautionary note in any event.

I want to get back to this issue that the chairman raised about the martial law. It goes back to the point that Senator McCain made with you about raising expectations because now, once that statement is made by Allawi, if that is, in fact, just announced and it was just put on your doorstep to implement it, that is one heck of a load. It may be a load you would not have suggested or recommended be made.

So I concur in what our chairman has said that that probably needs to be pretty high up there on your list of things to look into because of that representation that was made, because I do not think they can enforce their own martial law. They do not have the forces to do it, so here you would have an announcement made that is left for us to implement, but we may not have been part of that decision to make the announcement. So I support what the chairman said in that regard.

I want to just get back to the one issue that you commented on. That has to do with if you needed additional forces, that you will recommend them. I think you made a very forthright statement here that if you think that you need more troops, you will ask for more. I do not want to just raise unnecessarily a sensitive subject around here, but we had an Army Chief of Staff who just predicted we would need more troops than the civilian leaders said they

thought we would need in Iraq, and when General Shinseki made that prediction, he was severely criticized by civilian leadership.

I just hope that that has not chilled the determination of our uniformed leaders such as yourself to give us the unvarnished facts when we ask for them or even if we do not ask for them, if you feel that we need them. We are heavily relying upon you to give us that information. So it may be undesirable. The civilian leaders that you report to may not want to hear it.

That has happened before. Frankly, it happened during the Clinton administration apparently. According to all the reports, there was a well-known general around here who made a request that turned out to be embarrassing to the civilian leaders for certain kinds of equipment to go into the Balkans. It created a problem, but it was the right thing to do. Whether it was right or wrong, it was the honest thing to do. He expressed his own opinion on that.

I just want to reinforce this point. When we ask that question which the chairman asked about will you give us your honest, professional advice, and you said you sure will, we really count on you to do that and, more importantly, the troops count on you to do that. That is something that I know is first and foremost in your heart and mind is to do what is right for the troops. So that may cause some painful problems in terms of civilian leadership if you ask for something they do not want to hear, but we need you to do that and to give it to us straight. Everything I know about you I think we can count on you to do that.

General CASEY. You can, Senator.

Senator LEVIN. Thank you.

Chairman WARNER. Senator Dayton.

Senator DAYTON. Mr. Chairman, thank you.

I want to just follow up with that, General, because one of my frustrations over the last year, year and a half regarding the situation in Iraq is that I am not sure we get the truth. I certainly know we do not get the whole truth, and I do not think we get nothing but the truth.

By way of illustration, we get this working paper, unclassified, Iraq status. The last one I received is dated June 22 this year. It starts out, the highlights of over 12,000 dialogue activities have been held, various things in governance, time table. I have seen that before. Then it gets to essential services, water, telecommunications, the number of telephone subscribers in Iraq is up. Cell phone subscribers is up. Essential services, transportation, it goes into food security and health education. I do not doubt that any of those are essential services. Then it goes into program management.

Finally, I get to page 20 and it gets to the electricity overview which in the past has been up quite near the front. I certainly consider it an essential service. It says here, due to unforeseen problems, the goals set by Ambassador Bremer in January to reach a certain level of capacity in daily production will not be reached until at least June 30. Then it gives a couple charts and it has got a couple of graphs that I cannot distinguish between the various shades of gray to really tell.

But again, with the Iraqis I met with in Minnesota over the weekend who had been, a couple of them, in Baghdad up till about 2 weeks ago and had been there over the previous couple of months, they told me that the typical electricity situation in Baghdad now on a given day is 8 hours of electricity, 16 hours of no electricity. They said sometimes it is worse.

We were in Iraq last July, as I said earlier, when it was 115 degree temperature. Electricity was 95 percent of what the Iraqis were concerned about in terms of daily comfort. It is essential for refrigeration. It is essential for air conditioning. It is essential in the major cities I was told for also running water and sanitation. So if there is not electricity on a regular, consistent basis, we have got a lot of unhappy people with understandable reasons. Here is something, it seems to me if it is true what I was told, that is extremely significant, has a huge impact.

Our forces unfairly bear the brunt of this because a year ago—and the electricity situation back then I think was even better in Baghdad than that. Certainly the situation prior to our invasion in Baghdad, from what I am told, was better than what was reported to me. But the Iraqi citizens thought if we can take over their country militarily in 3 weeks, we are omnipotent and we ought to be able to provide electricity more reliably and to a greater degree than Saddam Hussein. We are falling short of that, and now it seems a year later we are falling short of, arguably, even what it was back then.

I realize that there are difficulties and the like, but you would have to ferret through here to find that information buried on page 20. It says in a very kind of antiseptic way, it has not met a goal, whereas in the real world over there, as I say, which I would not have found out if I had not met with these citizens. There is a real life impact that is not represented here that is huge. Again, for our forces and the way they are going to be perceived and treated by Iraqi citizens and everything else, the vulnerabilities, this is huge.

We are not getting that information in my experience on a factual, upfront basis. I would ask that you see that we do, please and certainly find out if they are not getting electricity in Iraq, they are not going to be feeling very favorable toward our forces.

Thank you.

General CASEY. That was something that was brought up by the Iraqi government officials that we met with. Everyone is very keenly aware of the need to do better in electricity.

I would also point out, though, that part of the problem, a good part of the problem is because the terrorists are attacking the electrical infrastructure. They are stealing that from the Iraqi people.

Senator DAYTON. Then the suggestion was made why can we not bring in generators the way that have been brought in for some of our base camps operations and for the coalition force headquarters in the palace. We may have to improvise. I do not know, but I just know that if the situation is as they described it, this summer you are going to have a whole lot of very unhappy people.

Thank you.

Chairman WARNER. Thank you.

Senator Clinton.

Senator CLINTON. General, just two quick things. One to follow up on Senator Dayton.

We get reports that a lot of our troops are performing functions that they were not trained for, and that seems particularly true with respect to some of these civil projects. We have had reports that people who were trained for infantry are trying to help with controlling sewage, and there is not a significant amount of troops for the engineering, the kind of fundamental building block work that is required. I do not know whether that is the case or not, and I would like to get some sense of that. It may be that you have enough troops, but it may also be, as we are told consistently, that the mix of troops may not quite be right for the changeover and the new kinds of responsibilities you face.

Finally, on a matter that is not perhaps at the top of the pressing issues that you confront. There was a very poignant report this morning on, I think it was, National Public Radio by the man who had been Jerry Bremer's consultant for cultural affairs. He spoke in detail about how we had established base camps in places like Babylon on the archaeological sites and that we, through the efforts to protect these sites and then to establish a permanent presence, had perhaps taken some actions that were contrary to preserving not just the archaeological heritage of the Iraqis but the biblical heritage of the entire Judeo-Christian world.

Would you look into that, General? Because I was deeply disturbed, in the aftermath of the initial efforts, that we had the looting of the national museums and the like and we found out that damage might not have been as great as had originally been reported. So I would like to know where we stand with respect to some of these very valuable ancient sites that mean so much to people around the world.

General CASEY. I will do that, Senator. By chance, I did happen to visit that Polish base camp, and I can tell you that he inherited that from the marines who went in first. But he is doing everything in his power to mitigate the effects of his presence there on the cultural sites.

Senator CLINTON. Thank you.

Chairman WARNER. Senator, thank you for raising that question. On one of the three or four congressional delegations that I have been on to that region, we went to those very areas at Babylon and we were impressed with the security that our multi-national forces had provided and that the restoration and preservation of some of areas was going right on. I am glad that you have reinforced, in your response to the Senator's question, your commitment to do the same.

General CASEY. They actually have two full-time Polish archaeologists there that are with the multi-national force.

Chairman WARNER. We met with one of them. A remarkable piece of history.

We were doing a little homework up here, as you were speaking with other Senators, about this question of your area of responsibility and that of General Abizaid. Now, you are heading a command that was specifically established really by the United Nations resolutions. Let me read from the most recent one, which is 1546, adopted just 8 June of this year. Section 9 notes that the presence

of the Multi-National Force in Iraq is at the request of the incoming interim government of Iraq and therefore reaffirms the authorization for the Multi-National Force under unified command, established under resolution 1511 in 2003—that is the earlier U.N. resolution—having regard to the letters annexed to this resolution.

In our questions to you, routine questions to our nominees, we ask what will be the relationship of your command MNF-I to the United Nations. Your response, “The U.N. will be interacting with MNF-I in their efforts to establish democratic election processes and humanitarian reconstruction assistance. MNF-I will, with the Iraqi security force, provide security for these efforts. I envision the relationship between the MNF-I and the U.N. as a partnership, pursuing the common goal of building a democratic Iraq.”

Now, as to precedence for two four-star officers being more or less in the same AOR, there is this Pacific Command and the Korean Command. If you look down in the fine print, the Korean Command is in a sense a deputy to the overall commander in the Pacific, the CINC. It is my understanding according to our quick research.

General CASEY. In the U.S. chain, that is correct.

Chairman WARNER. Yes, that is correct.

Now, I ask for the record—and you may not be able to provide it—what reporting chain do you have, if any, up through your command to the United Nations?

General CASEY. Senator, I know of no reporting chain that goes back to the United Nations.

Chairman WARNER. Because the Korean Commander does have a reporting chain.

General CASEY. That is correct, but in my situation I am not aware that I do.

Chairman WARNER. All right. I just wonder if you would refine that for the record.

General CASEY. If it changes, I will come back to you.

Chairman WARNER. Just provide it in today's record at the earliest possible time because I think that is very important. Reporting up and what directions, if any, could they send down to you in your capacity as commander.

General CASEY. All right, Senator, I understand. But my chain of command is through the Secretary of Defense and the President.

Chairman WARNER. I understand that but there is reference in here to their having established this.

I thank you very much.

Senator Levin, we have been joined by Senator Nelson. I am wondering if you might forgive the chairman if I absent myself and say thank you first and foremost to you, General, and to your family. I wish you all the best of good fortune, and thank you again on behalf of not only just those of us here in the United States, but people all over the world for your accepting this very challenging post in the cause of freedom. Thank you.

General CASEY. Thank you very much, Senator.

Senator BILL NELSON. Mr. Chairman, before you depart, following up on that line of questioning about the question of where the responsibility lies, clearly an American commander is responsible to the American chain of command. But, of course, it can get a lit-

tle more convoluted since we have the phase-in of the government over the period of a year and a half, first with June 30 and then with elections in January 2005, to be followed by the parliamentary elections in December 2005, a year and a half from now. In the course of that year and a half, if the new transitional government were to say we do not want the American forces there, which is not a remote possibility given the fact of a campaign for the parliament in the heat of elections that Iraq is certainly not experienced in and in what we have already heard from people. They are glad the Americans liberated them, but they do not want us there as occupiers, we are going to be likely facing the situation, what about our troops being there, absolutely necessary for stabilizing Iraq for the transitional government, with the transitional government suddenly saying, "Get out, Americans?"

That puts us, that puts commanders like this, that puts his chain of command in a very difficult situation because clearly, it is not going to be in the interest of the United States to get out because, at the end of the day, what we want is a stabilized Iraq. They simply do not have the army. They do not have the police force, and they are not anywhere close to it even though we are helping train them. So I think we have got some real straining and grunting that we are going to be doing here over the course of the next year and a half.

Chairman WARNER. Your observation is well taken, Senator.

Senator BILL NELSON. Mr. Chairman, I would just note for General Casey the subject that you have heard me speak of ad infinitum, just to say that we had a downed flyer that we walked away from in the Gulf War in 1991, Captain Scott Speicher. The good news is that we have had a dedicated team over there under Major General Dayton, who has now rotated back, and under a specific, smaller Speicher team that was looking for any evidence. They were very dedicated. I went over there just to give them some "atta boys" not only as the Senator but as a Senator from the State where the family lives.

The sad news is that we have not found any conclusive evidence. This clearly is just one of thousands of things that you have to consider, General Casey, but ultimately coming to some conclusive evidence is important. It is not only important for that family that has been in this limbo for so many years, but it is also important to every pilot in the United States military that they know, if they are downed, that somebody is coming after them. We have a pilot that we did not go after through a series of mistakes. So I just want to put that on your radar screen, General Casey.

General CASEY. Thank you, Senator. One of the elements of the Army's soldier's creed is that I will never leave a fallen comrade. So we take that very seriously. Thank you.

Senator BILL NELSON. Thank you, Mr. Chairman.

Senator LEVIN. I have never seen anybody take an issue more seriously than Senator Bill Nelson of Florida has taken on in the Scott Speicher case. He raises this on every occasion. He has gone to Iraq solely for that issue. When he is there—I have been with him when he has done this—he raises this issue. I want to commend him. I had no doubt what your answer would be and you should have no doubt of the tenacity of Senator Nelson and a num-

ber of other members of the committee, I am sure, on behalf of the American people, the families, and the flyers, as you put it. I want to thank Senator Nelson too. He is absolutely right in what he is doing here. Until we find out for sure what happened, we just have to press on. It is a kind of a mission that we can never forget.

General, thanks to you and your family.

General CASEY. Thank you very much, Senator.

Senator LEVIN. This hearing is adjourned.

[Whereupon, at 12:09 p.m., the committee adjourned.]

[Prepared questions submitted to GEN George W. Casey, Jr., USA, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms, particularly in your assignments as Vice Chief of Staff of the Army, Director of the Joint Staff, and Commander of the Joint Warfighting Center, U.S. Joint Forces Command.

The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, the Goldwater-Nichols act has improved our joint operations. The goals of Goldwater-Nichols have been confirmed in the war on terrorism.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. Our fight in the global war against terrorism and our need to work with many agencies outside DOD as well as with coalition partners is creating a different security environment from the one that drove defense reform in 1986. I do believe that its time to update Goldwater-Nichols. The update should take into account the lessons learned since Goldwater-Nichols was implemented, and the current and projected security environments.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. These reforms have significantly clarified operational chains of command and working relations among the Military Services and combatant commanders to enhance joint operations. Most importantly, they have clearly communicated the intent of Congress and the President that our warfighting efforts must be increasingly joint.

Question. Do you believe that the role of the combatant commanders under the Goldwater-Nichols legislation is appropriate and the policies and processes in existence allow that role to be fulfilled?

Answer. Yes. The general framework established by the Goldwater-Nichols Act is appropriate and existing policies and processes allow that role to be fulfilled.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Multi-National Force-Iraq is a new command, established to oversee U.S., coalition, and Iraqi military and security operations in Iraq. Please describe your understand-

ing of the relationship of the Commander, Multi-National Force-Iraq to the following offices:

Question. The Under Secretaries of Defense.

Answer. The Under Secretaries of Defense assist the Secretary of Defense in specific functional areas: Policy, Comptroller, Acquisition and Technology, Intelligence, and Personnel and Readiness. These Under Secretaries provide coordination and the exchange of information with Department of Defense components having collateral or related functions, which include the combatant commanders. Since the Multi-National Force-Iraq is a subordinate command to Central Command (CENTCOM), I anticipate that my interaction with the Under Secretaries would be primarily at the direction of, and subject to the control of, the CENTCOM Commander.

Question. The Assistant Secretaries of Defense.

Answer. The Assistant Secretaries of Defense have functional responsibilities prescribed by the Secretary of Defense. Since the Multi-National Force-Iraq is a subordinate command to CENTCOM, I anticipate that my interaction with the Assistant Secretaries of Defense would be primarily at the direction of, and subject to the control of, the CENTCOM Commander.

If confirmed, I will fully support and execute all guidance issued by the Assistant Secretaries of Defense with respect to defense functions pursuant to their assigned duties and responsibilities.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. If confirmed, subject to the authority of the CENTCOM Commander, I will coordinate with and keep the Chairman of the Joint Chiefs of Staff informed in order to execute any assigned missions and accomplish the objectives of the President and the Secretary of Defense.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of the Military Departments are responsible for the administration and support of the forces they provide to the combatant commands. The responsibilities are outlined in title 10 United States Code (USC), section 165, which notes that the Secretaries are subject to the authority, direction, and control of the Secretary of Defense. If confirmed, subject to the authority of the CENTCOM Commander, I will coordinate with the Secretaries of the Military Departments to ensure I have the forces necessary to execute assigned missions.

Question. The Service Chiefs.

Answer. While the Service Chiefs are not in the formal chain of command, they have a significant role. As members of the Joint Chiefs of Staff, the Service Chiefs provide military advice to the President and Secretary of Defense. Individually and collectively, the Joint Chiefs are a source of experience and judgment that every joint commander can call upon; it is a privilege to work with them. If confirmed, subject to the authority of the CENTCOM Commander, I will coordinate with the Service Chiefs to ensure that I have the forces necessary to execute my assigned mission.

Question. The Commander, U.S. Central Command.

Answer. If confirmed as the Commander, Multi-National Force Iraq, my actions will be subject to the authority, direction, and control of the Commander, U.S. Central Command, the combatant commander with overall responsible for current military operations in Iraq. I will work closely with the Commander, U.S. Central Command to execute his priorities in successfully accomplishing assigned missions.

Question. The other combatant commanders.

Answer. As directed by the Commander, U.S. Central Command, I will coordinate with the other combatant commanders to accomplish missions assigned to the Multi-National Force-Iraq.

Question. The U.S. Ambassador to Iraq.

Answer. The Commander, MNF-I, and the U.S. Ambassador will work closely in formulating strategic direction and ensuring unity of effort in support of the Interim Government of Iraq. Creating a secure and stable Iraq requires careful coordination of military operations and objectives with other elements of U.S. national power, including economic, political, diplomatic, and informational objectives. Establishing a close and effective working relationship with the new Ambassador and the government agencies working out of the Embassy is a priority goal for me. I will also serve as his principal military advisor.

QUALIFICATIONS

Question. If confirmed, you will be entering this important position at a critical time for United States interests in Iraq and the Middle East.

What background and experience do you have that you believe qualifies you for this position?

Answer. My military experience and education have prepared me to assume this position. I have over 30 years of Military Service, and have commanded soldiers from platoon to division. My joint experience includes service as the Deputy Director for Politico-Military Affairs (Europe), J-5, Director of the J-5 Strategic Plans and Policy on the Joint Staff, and most recently as the Director of the Joint Staff. My tour as a U.N. Military Observer in Cairo, Egypt, my assignment as the Assistant Division Commander of the 1st Armored Division in Bosnia, and my oversight of 1st Armored Division forces in Kosovo afforded me an understanding of the challenges and complexities of multi-national operations. My present assignment as the Vice Chief of Staff of the Army gives me direct and daily involvement with the critical issues facing our military in meeting the challenges in Iraq and in fighting the global war on terrorism. My educational background includes a Bachelor of Science Foreign Service degree from Georgetown University's School of Foreign Service, a Masters degree in International Relations from Denver University, and service as a Senior Fellow at the Atlantic Council, all of which will be extremely valuable in discharging the duties as Commander of the Multi-National Force-Iraq. If confirmed, I am confident that I possess the experience and knowledge to successfully address the difficult challenges of this position.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the first Commander of Multi-National Force-Iraq (MNF-I)?

Answer. I see these major challenges facing MNF-I:

1. Implementing an effective transition from occupation to partnership with the Interim Iraqi Government (IIG).
2. With the IIG and the Iraqi security forces, defeating the anti-Iraqi and anti-coalition forces.
3. Assisting the IIG in efficiently rebuilding the Iraqi Security Forces (ISF).
4. With the ISF, provide an environment secure enough to permit elections in December/January.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. MNF-I is already developing plans to address these challenges. Broadly, I will focus on: leading the MNF counterinsurgency effort and establishing a strong relationship with the U.S. ambassador and IIG to bring all the elements of national power to bear in defeating the insurgency; building links to the IIG to rebuild the ISF and ensure close cooperation and coordination of military operations; and, in coordination with the IIG, the U.N., and the U.S. Embassy, work to provide a secure environment for the year-end elections.

RELATIONSHIP TO COMMANDER, MULTI-NATIONAL CORPS-IRAQ

Question. In addition to MNF-I, there is also a new organization designated Multi-National Corps-Iraq (MNC-I).

What will the relationship of Commander, MNF-I be to the Commander, MNC-I?

Will there be a division of responsibilities between the two commanders and, if so, please describe the responsibilities of each commander?

Answer. The Commander of the MNF-I has a national strategic focus, with responsibilities for consulting and coordinating with the IIG, training Iraqi security forces, and political-military relations with the new U.S. Embassy Team and coalition. The Commander, MNF-I maintains overall responsibility for military operations in Iraq.

A three-star general commands the Multi-National Corps. MNC-I is one of the major subordinate commands of MNF-I. The focus of the MNC-I Commander is the battle command (C2) of five subordinate commanders: two U.S. Divisions, two Multi-National Divisions (Poland and the U.K.), and one Multi-National Brigade (U.S.). He will focus on full spectrum operations at the operational and tactical levels.

OPERATION IRAQI FREEDOM

Question. From your perspective as the Director of the Joint Staff and then as the Vice Chief of Staff of the Army, preparing soldiers for deployment, and now as the prospective Commander of MNF-I, what are the top lessons learned with regard to Operation Iraqi Freedom?

Answer. The U.S. Army has learned several important lessons from Operation Iraqi Freedom. The major ones are the value of truly joint operations and the inte-

gration of coalition and Special Operations Forces. The Joint culture forged through continuous operations and aided by improved command and control networks enabled CENTCOM to operate as a cohesive Joint force. The merger of Special Operations Forces and conventional forces increased the range of coalition capabilities and enabled key victories.

There are several areas, however, that we want to improve. Our information operations have provided mixed results and need significant improvement. The deployment of more than 40,000 reservists was hampered by cumbersome mobilization policies and by a force mix that put too many early deploying support units and high demand low-intensity units in the Reserves. The Army is addressing these issues in its transformation efforts.

Question. What role do you foresee for forces from additional coalition nations in Iraq in the future?

Answer. Joint Staff has the lead to work within the Inter-Agency process to coordinate contributions from current and potential coalition partners. There are 35 coalition countries with 22,000 personnel conducting stability operations and humanitarian relief in Iraq. In the near term, we are focusing our efforts on obtaining contributions for security forces for U.N. personnel and facilities in Iraq.

UNITED NATIONS SECURITY COUNCIL RESOLUTION

Question. On June 8, 2004, the U.N. Security Council unanimously approved Resolution 1546, recognizing the Interim Government of Iraq as the legal authority of a sovereign Iraq on June 30, 2004, and extending the U.N. mandate for 1 year for the presence of a multi-national force under the unified command of a U.S. military commander.

Question. What will be the relationship of MNF-I to the United Nations?

Answer. The U.N. will be interacting with the MNF-I in their efforts to establish democratic election processes and humanitarian reconstruction assistance. MNF-I will, with the ISF, provide security for these efforts. I envision the relationship between the MNF-I and the U.N. as a partnership pursuing the common goal of building a democratic Iraq.

Question. What will be the relationship of MNF-I to the Government of Iraq?

Answer. The MNF-I and the IIG will form a partnership to build a free and democratic Iraq. National, regional, and local coordinating bodies comprised of Iraqi Security Force and MNF-I leaders will be established. These bodies will be responsible for ensuring that there is coordination between Iraqi Security Forces and the MNF-I on all security policy and operations issues. This will promote unity of command in military operations in which Iraqi Forces are engaged with MNF-I. At the invitation of the Prime Minister of Iraq, I, or my designee, will attend and participate in the sessions of the Iraqi Ministerial Committee on National Security.

Question. What will be your chain of command?

Answer. Commander, CENTCOM; Secretary of Defense; President.

Question. What will be your responsibilities with regard to providing security for the United Nations Assistance Mission for Iraq? What coalition forces will be used for such a mission?

Answer. The MNF will work to facilitate the protection of the U.N. Assistance Mission. The MNF-I will establish a separate brigade sized force under its command dedicated to providing security for U.N. personnel and facilities in Iraq. We strongly desire that this come from additional international contributions.

STATUS OF FORCES AGREEMENT

Question. There is no specific status of forces agreement (SOFA) between the United States and the Interim Government of Iraq.

How will U.S. and coalition forces be protected from unwarranted prosecution under Iraqi law?

What will be the status of contractors supporting U.S. and coalition military efforts after the transfer of sovereignty to the interim Government of Iraq?

Answer. Currently, Coalition Provisional Authority (CPA) Order 17 provides immunity from Iraqi legal process for all U.S. and coalition forces. Order 17 also provides that coalition personnel are subject to the exclusive jurisdiction of their Parent States, and that they are immune from local criminal, civil, and administrative jurisdiction and detention.

The current version of CPA Order 17 relies heavily on occupation law and this must be modified to extend protection beyond June 30, 2004, when the occupation ends. CENTCOM officials are currently consulting with the interagency and other members of the coalition on an amendment to CPA Order 17 that extends and expands protections for coalition military forces beyond June 30, 2004.

In the draft amendment to CPA Order 17 currently under consideration, non-Iraqi contractors supporting U.S. and coalition military efforts shall be immune from Iraqi legal process with respect to acts performed by them pursuant to the terms and conditions of a contract with a Sending State. When called into question, the Sending State is responsible for determining and certifying whether the contractor acted pursuant to the terms and conditions of the contract.

IRAQI AND FOREIGN NATIONAL DETAINEES

Question. After the transfer of sovereignty, what will be the role of MNF-I in the detention and interrogation of Iraqi and foreign nationals detained during the course of authorized military operations?

Answer. After the transfer of sovereignty, multinational forces will continue to have a role in detention and interrogation operations in support of the maintenance of security in Iraq. In United Nations Security Council Resolution 1546, the Security Council specifically decided that multinational forces shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq. Among those tasks is detention and internment where necessary for imperative reasons of security.

Question. What will be the role of Iraqi security forces in the detention and intelligence exploitation of persons detained during the course of authorized coalition military operations?

Answer. MNF is currently working procedures to be able to integrate the selected Interim Iraqi Government Intelligence and related ministry elements in the Screening and Debriefing/Interrogation process. There are currently a number of procedural issues to be worked out to enable that to happen. Memorandums of Agreement must be drafted between Multi-National Force-Iraq and the respective Interim Iraqi Governmental organization to ensure that all parties understand and agree to areas of mutual concern.

Question. What role will MNF-I have in the supervision and oversight of detainee operations conducted by the Iraqi security forces?

Answer. Multi-National Force-Iraq is developing a memorandum of understanding with the Ministry of Justice for individuals held in pre-trial confinement. This MOA will address the support to be provided pending the development of the capacity by the Ministry of Justice to securely house these detainees.

TRANSFORMATION

Question. As a result of your previous positions, you are familiar with the requirements for the Military Services to support CENTCOM and MNF-I.

Do current transformation initiatives support MNF-I's future requirements?

Answer. I believe that Department of Defense and Army transformation initiatives support MNF-I's current and future requirements. In particular, actions directed by the Army Transformation Strategy and the Army Campaign Plan are enhancing Current Force capabilities and building toward the Future Force, now. Currently, the Army is focusing its efforts and institutional energies to enhance the effectiveness of and reduce risk to our frontline soldiers at MNF-I and other global operations. The Army's focus and sense of urgency pervade all of the Army's transformation efforts.

Based on a comprehensive analysis of lessons learned, operational experience, requirements for the global war on terrorism, combatant commanders' needs, and a focused look at key areas, the Army has initiated numerous transformational initiatives. It has accelerated select Future Force capabilities where they could benefit the warfighter, now. The focus of Army transformation is reconfiguring Army maneuver formations to fight as smaller, more modular, more versatile, and joint interdependent units will enable the MFNI to sustain operations over protracted campaigns and confer substantial benefits to Army forces in Iraq.

Question. How will the Army's transformation impact MNF-I's current operations?

Answer. In Iraq, the benefits of Army transformation are clear, now. Today, the Army's first networked maneuver formation, a Stryker Brigade Combat Team, is demonstrating Future Force capabilities in Iraq. The Army converted the 3rd Infantry Division to a modular design while retaining its readiness for redeployment and return to Iraq. Army forces in Iraq fight with Good Enough Battle Command that provides enhanced situational awareness. The Rapid Fielding Initiative provides soldiers coming to Iraq with 50 essential items to improve the effectiveness and protection. The Rapid Equipping Force has fielded a variety of commercial off-the-shelf or near-term developmental items in response to warfighter requests—from webcams to aid in weapons searches to Packbots that remotely search dangerous areas. These

efforts reflect the pace and scope of Army transformation efforts and demonstrate how Army transformation provides an immediate impact on MNF-I's current operations.

Transformation efforts that will provide the most significant impacts to current MNF-I operations will be modular conversion of maneuver and support formations that retain the capabilities previously found at higher echelons. Over the next 3 years, the Army will build up to 15 additional brigades and select high demand/low density capabilities required for global commitments. The Army will also convert all maneuver brigades and divisions within the active components (AC) and Reserve components (RC) into standardized designs by 2010, with modularly converted units fighting in Iraq this year.

To provide ready forces, the Army is also developing a force management process that leverages standard unit designs and rotational deployment cycles. This process pools available forces in the active and Reserve components into modular deployment packages for specific periods. Each unit within the force pool will undergo a structured progression of increased readiness over time, culminating in full readiness and availability to deploy. When this process is coupled with the balancing of AC and RC force structure, the Army will improve its capability to sustain combat operations over the mid-term.

Army transformation efforts are synchronized with the planning, preparation, and execution of Army operations within the context of ongoing strategic commitments. The Army Campaign Plan framework has two complementary parts—strategic posture and transformation. This framework enables a detailed, by fiscal year view of Army capabilities to build the Army program. This allows the Army to align resources and manage its budget against the plan and emerging needs. Further, this planning framework provides flexibility to adjust plan execution as required.

Question. What impact will the Army's transformation have on the large prepositioned stocks in the CENTCOM area of responsibility that are critical to force rotations for MNF-I?

Answer. Army Prepositioned Stocks (APS) and Army Regional Flotillas are and will continue to be integral components to the strategic responsiveness and reshaping of Army forces. Modernization of APS has always been affected by resource prioritization required by the entire Army. APS equipment has been older and less capable than equipment found in the active component. Currently, Army prepositioned stocks in CENTCOM are serving their intended function—providing an equipment base for rotational Army forces in Iraq.

In 2003, as the VCSA, I approved the concept that supports some modernization of APS equipment as part of the Army reset initiative. The prepositioned stocks in the CENTCOM area of responsibility will benefit from this program. At the same time, rotational "Stay Behind Equipment" packages at MNF-I are also benefiting from some improvements in battle command and protection.

The APS strategy continues to evolve to meet both changing threats and simultaneous implementation of Army transformation concepts. The Army faces significant funding and resourcing challenges as it resets and converts to modular units, but it recognizes that APS must also be reset, repositioned, and modularized.

END STRENGTH

Question. You have a unique perspective as the current Vice Chief of Staff of the Army and the prospective Commander of MNF-I.

In your view, is the current end strength of the Army sufficient to meet the requirements to support the needs of MNF-I, as well as the Army's other global commitments?

Answer. The Army is currently meeting the needs of MNF-I and our other global commitments. To continue to meet these commitments, we need more combat units and a better balance in low density/high demand capabilities between our active and Reserve component forces. We are executing a plan to build 10 new brigades by the end of fiscal year 2007 (with a potential for 5 more this decade). One has already been activated, and by this time next year, we will have four new brigades available for commitment. These new formations, along with force stabilization and a new unit rotational readiness cycle will begin to ease the stress on the force to a more sustainable OPTEMPO.

NATO PEACEKEEPERS

Question. Military forces from 17 NATO member nations are currently participating in peacekeeping operations in Iraq.

What additional opportunities, if any, do you foresee for NATO forces to conduct operations in the MNF-I area of responsibility?

Answer. MNF-I would welcome NATO involvement. A specific way NATO forces can contribute to operations in Iraq is to provide military training for the Iraqi army and to build the capacity of Iraqi military and defense civil servants and institutions. If confirmed, I will carefully examine this and other possibilities to enhance our peacekeeping operations in Iraq.

FORCE PROTECTION

Question. If confirmed, what would be your top priorities in terms of force protection?

Answer. My first priority in force protection will be to review the measures we take to prevent hostile actions against Department of Defense and coalition personnel. This includes both offensive and defensive measures that allow us to preserve the lives of our soldiers while degrading opportunities for enemy forces. We will do our utmost to protect all coalition personnel on our bases and while they are conducting operations and movements.

If confirmed, I will insist that requirements for force protection equipment are met as quickly as possible, with tested and proven gear. This includes monitoring the aggressive programs we have already put in place to provide armoring for vehicles, fielding of items like unmanned aerial vehicles, counter mortar radars, and IED countermeasures. I will also work to take advantage of innovative new equipment begin developed by industry and incorporate new tactics and procedures. Finally, I will aggressively seek and employ solutions that defeat and prevent enemy combatants from attacking our soldiers.

Question. What additional steps, if any, need to be taken to ensure that personnel being assigned to Iraq are fully prepared and equipped for potential threats?

Answer. Service members arrive in theater with an impressive amount of training that is specifically focused on the threats they will encounter in Iraq. For example, our Army Combat Training Centers have adapted to include these threats in training and challenge all units with realistic scenarios. This training continues all the way until their arrival in Iraq, under the most realistic challenges possible. I will continue to work with the Services to ensure that the training and the preparation received by service members fully prepare them for operations in Iraq. Additionally, with the great support of Congress, billions of dollars have been applied to ensure that service members have the most capable equipment available for their use. If confirmed, I will continue to work with the commanders on the ground to obtain their input and ensure they have the best equipment to accomplish the mission and protect our service members.

Question. What steps are being taken to ensure that foreign nations that contribute forces to MNF-I have sufficient force protection capabilities?

Answer. If confirmed, one of my first areas of interest will be to closely examine the capabilities of the other nations that make up the coalition. I will also ensure that we are sharing the lessons learned in force protection techniques and equipment.

BANDWIDTH ON THE BATTLEFIELD

Question. Unmanned assets, such as persistent unmanned aerial vehicles, require tremendous bandwidth capacity. Command and control, blue force tracking and movement of intelligence products also use significant amounts of bandwidth.

What challenges do you anticipate in fully utilizing these important assets with the bandwidth currently available to you in Iraq?

Answer. The full utilization of all radio emitting assets (Command and Control (C2), Blue Force Situational Awareness (BFSA), and Intelligence Surveillance and Reconnaissance (ISR)) in the constrained area requires a constant effort to efficiently and effectively use the available bandwidth. Bandwidth requirements for deployed forces have increased ten fold with over 3.2 Gbps of SATCOM service alone supporting Central Region. By comparison, the available SATCOM bandwidth for Operation Desert Storm was 99 Mbps vs. the 3.2 Gbps as of April 2003 (source DISA Bandwidth report). The bandwidth challenges are most pronounced below the division level.

SEXUAL ASSAULTS IN THE ARMY

Question. You testified before the Personnel Subcommittee on February 25, 2004, along with the other service chiefs, about policies and programs for preventing and responding to incidents of sexual assault in the armed services. At that time you testified that the Army Criminal Investigation Command was actively investigating, or had completed investigating, 86 sexual assault crimes reported in the CENTCOM area of operations.

How many of the foregoing cases have been closed since you testified?

Answer. The 86 sexual assault crimes that I referenced in my prior testimony consisted of 38 allegations of rape, 5 allegations of forcible sodomy, and 43 allegations of indecent assault. As of June 21, 2004, 5 cases remain open and under investigation (3 allegations of rape, 1 allegation of sodomy, and 1 allegation of indecent assault). Of the remaining cases, 52 were investigated and determined founded, 15 were determined as unfounded, and 14 were determined to have insufficient evidence to proceed.

Question. What measures have been implemented in the CENTCOM AOR to ensure prevention of sexual assaults and to respond appropriately to victims of assaults?

Answer. If confirmed as the MNF-I Commander, I will support the recommendations from the Task Force on Sexual Assault Policies that establish a policy and program structure to provide support to sexual assault victims through Victim Advocates (VA) and Victim Advocate Coordinators (VAC). The Army is currently staffing a draft policy that will place VACs at the Installation level while assigning as a collateral duty a minimum of two soldiers at battalion or equivalent level for all deployments. The installation VAC will have the responsibility of integrating and coordinating victim services at the installation while VAs will serve to assist victims of sexual assault in securing basic needs and serve as a companion throughout the medical, investigative and judicial process. Since this is considered a collateral duty, VA's must undergo training to deal with victims of sexual assault. The Army is aggressively pursuing implementing VACs and VAs throughout the Army, to include deployments, by the end of the calendar year 2004. CID will also provide investigative support and victim and witness protection as required.

Question. What steps will you take as Commander, MNF-I to prevent sexual assaults and to respond to victims of assaults?

Answer. Commanders will ensure that all soldiers receive instructions on sexual assault prevention techniques and training. If confirmed, I will ensure that all MNF-I personnel will understand that sexual assault is a crime that is not tolerated and those who commit these crimes will be held accountable. I will also undertake efforts to improve awareness and education programs designed to prevent sexual assault, provide sensitive care for sexual assault victims, and conduct aggressive and thorough investigation of all reported sexual assaults. If confirmed, I will ensure a positive command climate in which victims of any crimes have complete confidence in their chain of command, and will report these crimes immediately.

IRAQI SECURITY FORCES

Question. Lieutenant General David Petraeus, USA, has returned to Iraq as the Chief of Security Transition in Iraq, responsible for the recruiting, training, equipping and mentoring of Iraqi Security Forces.

What will be your relationship with the Chief of Security Transition in Iraq?

Answer. The Chief of Security Transition will work for the Commander, MNF-I.

Question. What relationship will General Petraeus' office have with the interim Government of Iraq?

Answer. Lieutenant General Petraeus will work closely with the Minister of Defense for military issues along with the Coalition Military Assistance Training Team (CMATT), one of his subordinate commands. Likewise, he will work closely with the Minister of Interior for police issues with his other subordinate command, the Civilian Police Assistance Training Team.

Question. What are your views concerning the pace at which Iraqi security forces can assume responsibility for the internal and external defense of Iraq?

Answer. This is a priority and the goal is to have the Iraqis increase their responsibility for internal and external defense of Iraq as soon as possible. We must ensure that the conditions are set for their success, and that we proceed at a pace that yields quality as well as quantity.

ASSISTANCE TO CONTRACTOR SECURITY PERSONNEL

Question. Private security companies in Iraq are performing some extremely important missions, including protecting military supply convoys and guarding critical facilities and personnel, and, in some cases, coming under hostile fire.

What responsibilities, if any, should MNF-I assume in assisting contract security personnel, or other contractors, to include providing threat information, intelligence, military assistance, or appropriate medical assistance?

Answer. Private security companies have proven instrumental in the reconstruction efforts within Iraq. Events over the past several months have clearly dem-

onstrated their individual professionalism and courage under hostile action. Moreover, these companies have assisted not only in providing security to the Coalition Provisional Authority, but to a host of individuals, contractors, and Iraqi government officials.

The combatant commander is responsible for the security and force protection for contractors accompanying the force. Integration and oversight of contractor-provided security services is a key task to be executed by the MNF-I. I am committed to this relationship and, if confirmed, will take measures to provide for their safety and well-being.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, MNF-I?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of GEN George W. Casey, Jr., USA, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 14, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be General

George W. Casey, Jr., 1204.

[The biographical sketch of GEN George W. Casey, Jr., USA, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF SERVICE CAREER OF GEN GEORGE W. CASEY, JR.

Source of commissioned service: ROTC.

Military schools attended:

Infantry Officer Basic and Advanced Course
Armed Forces Staff College
Senior Service College Fellowship—The Atlantic Council

Educational degrees:

Georgetown University—BS—International Relations
University of Denver—MA—International Relations

Foreign language(s): None recorded.

Promotions:

	Dates of Appointment
2LT	21 Oct. 70
1LT	21 Oct. 71
CPT	21 Oct. 74
MAJ	6 Sep. 80
LTC	1 Aug. 85
COL	1 May 91
BG	1 Jul. 96
MG	1 Sep. 99
LTG	31 Oct. 01
GEN	1 Dec. 03

Major duty assignments:

From	To	Assignment
Apr. 71	Sep. 72	Mortar Platoon Leader, later Liaison Officer, Headquarters and Headquarters Company, 2d Battalion, 509th Infantry (Airborne), 8th Infantry Division, United States Army Europe, Germany.
Sep. 72	Jun. 73	Platoon Leader, A Company, 2d Battalion 509th Infantry (Airborne), 8th Infantry Division, United States Army Europe, Germany.
Jun. 73	Oct. 74	Mortar Platoon Leader, later Executive Officer, A Company, 1st Battalion, 509th Infantry (Airborne), United States Army Southern European Task Force, Italy.
Oct. 74	Dec. 75	Student, Ranger School and Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, Georgia.
Dec. 75	Dec. 78	Assistant S-4 (Logistics), later S-4, later Commander, C Company, later Commander, Combat Support Company, 1st Battalion, 11th Infantry, 4th Infantry Division (Mechanized), Fort Carson, Colorado.
Dec. 78	May 80	Student, International Studies, University of Denver, Denver, Colorado.
Jun. 80	Jan. 81	Student, Armed Forces Staff College, Norfolk, Virginia.
Feb. 81	Feb. 82	Department of Defense Military Observer, United States Military Observer Group, United Nations Truce Supervision Organization, Jerusalem.
Feb. 82	Feb. 84	S-3 (Operations), later Executive Officer, 1st Battalion, 10th Infantry, 4th Infantry Division (Mechanized), Fort Carson, Colorado.
Feb. 84	May 85	Secretary of the General Staff, 4th Infantry Division (Mechanized), Fort Carson, Colorado.
Jul. 85 ..	Jul. 87	Commander, 1st Battalion, 10th Infantry, 4th Infantry Division (Mechanized), Fort Carson, Colorado.
Aug. 87	Jul. 88	Student, United States Army Senior Service College Fellowship, The Atlantic Council, Washington, DC.
Jul. 88 ..	Dec. 89	Congressional Program Coordinator, Office of the Chief of Legislative Liaison, Washington, DC.
Dec. 89	Jun. 91	Special Assistant to the Chief of Staff, Army, Washington, DC.
Aug. 91	May 93	Chief of Staff, 1st Cavalry Division, Fort Hood, Texas.
May 93	Mar. 95	Commander, 3d Brigade, 1st Cavalry Division, Fort Hood, Texas.
Mar. 95	Jul. 96	Assistant Chief of Staff, G-3 (Operations), later Chief of Staff, V Corps, United States Army, Europe and Seventh Army, Germany and Task Force Eagle, Bosnia-Herzegovina.
Aug. 96	Aug. 97 ...	Assistant Division Commander (Maneuver), later Assistant Division Commander (Support), 1st Armored Division, United States Army Europe and Seventh Army, Germany.
Aug. 97	Jun. 99	Deputy Director for Politico-Military Affairs, J-5, The Joint Staff, Washington, DC.
Jul. 99 ..	Jul. 01	Commanding General, 1st Armored Division, United States Army Europe and Seventh Army, Germany.
Jul. 01 ..	Oct. 01	Commander, Joint Warfighting Center/Director, Joint Training, J-7, United States Joint Forces Command, Suffolk, Virginia.
Oct. 01	Oct. 03	Director, Strategic Plans and Policy, J-5, later Director, The Joint Staff, Washington, DC.

Summary of joint assignments:

	Dates	Grade
Department of Defense Military Observer, United States Military Observer Group, United Nations Truce Supervision Organization, Jerusalem.	Feb. 81–Feb. 82	Major
Deputy Director for Politico-Military Affairs J-5, The Joint Staff, Washington, DC	Aug. 97–Jun. 99 ...	Brigadier General
Commander, Joint Warfighting Center/Director Joint Training, J-7, United States Joint Forces Command, Suffolk, Virginia (No joint credit).	Jul. 01–Oct. 01	Major General
Director for Strategic Plans and Policy, J-5, The Joint Staff, Washington, DC	Oct. 01–Jan. 03	Lieutenant General
Director, Joint Staff, The Joint Staff, Washington, DC	Jan. 03–Oct. 03	Lieutenant General

U.S. decorations and badges:

Defense Distinguished Service Medal (with Oak Leaf Cluster)

Distinguished Service Medal
 Legion of Merit (with two Oak Leaf Clusters)
 Defense Meritorious Service Medal
 Meritorious Service Medal
 Army Commendation Medal (with Oak Leaf Cluster)
 Army Achievement Medal (with Oak Leaf Cluster)
 Expert Infantryman Badge
 Master Parachutist Badge
 Ranger Tab
 Joint Chiefs of Staff Identification Badge
 Army Staff Identification Badge

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by GEN George W. Casey, Jr., USA, in connection with his nomination follows:]

UNITED STATES ARMY,
 THE VICE CHIEF OF STAFF.

Hon. JOHN WARNER, *Chairman,*
Committee on Armed Services,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of the Commander, Multi-National Forces-Iraq. It supplements Standard Form 278, "Public Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my Standard Form 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any firm or organization that is a Department of Defense contractor.

During my term of office, neither I, nor my spouse will invest in any entity that would create a conflict of interest with my government duties. I do not have any present employment arrangements with any entity other than the Department of Defense and have no formal or informal understandings concerning any further employment with any entity.

I have never been party to any civil litigation with the exception of the action, which is, annotated in Part D, Legal Matters, paragraph 3. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I trust that the foregoing information will be satisfactory to the committee.

Sincerely,

GEORGE W. CASEY, JR.,
General, United States Army.

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

George W. Casey, Jr.

2. **Position to which nominated:**

Commander, Multi-National Forces-Iraq.

3. **Date of nomination:**

June 14, 2004.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

July 22, 1948; Sendai, Japan.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Sheila Lynch Casey.

7. **Names and ages of children:**

Sean Patrick Casey, 33.

Ryan Michael Casey, 31.

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

There are no positions other than those listed in the service record extract provided to the committee by the executive branch.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Association of the United States Army.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

There are no honors or awards other than those listed in the service record extract provided to the committee by the executive branch.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

I do.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

I do.

[The nominee responded to Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–E are contained in the committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

GEORGE W. CASEY, JR.

This 15th day of June, 2004.

[The nomination of GEN George W. Casey, Jr., USA, was reported to the Senate by Chairman Warner on June 24, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 24, 2004.]

**NOMINATIONS OF ADM VERNON E. CLARK,
USN, FOR REAPPOINTMENT TO THE GRADE
OF ADMIRAL AND TO BE CHIEF OF NAVAL
OPERATIONS; AND LT. GEN. JAMES E. CART-
WRIGHT, USMC, FOR APPOINTMENT TO THE
GRADE OF GENERAL AND TO BE COM-
MANDER, UNITED STATES STRATEGIC COM-
MAND**

THURSDAY, JULY 8, 2004

U.S. SENATE
COMMITTEE ON ARMED SERVICES
Washington, DC.

The committee met, pursuant to notice, at 10:03 a.m. in room SR-222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Allard, Sessions, Talent, Chambliss, Dole, Levin, Reed, E. Benjamin Nelson, Dayton, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; L. David Cherington, counsel; Brian R. Green, professional staff member; Ambrose R. Hock, professional staff member; Thomas L. MacKenzie, professional staff member; Paula J. Philbin, professional staff member; Joseph T. Sixeas, professional staff member; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Madelyn R. Creedon, minority counsel; Kenneth M. Crosswait, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, minority counsel; and Peter K. Levine, minority counsel.

Staff assistants present: Alison E. Brill and Nicholas W. West.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; Christopher J. Paul, assistant to Senator McCain; Jayson Roehl, assistant to Senator Allard; Lindsey R. Neas, assistant to Senator Talent; Clyde A. Taylor IV, assistant to Senator Chambliss; Elizabeth King, assistant to Senator Reed; and William K. Sutey, assistant to Senator Bill Nelson.

**OPENING STATEMENT OF SENATOR JOHN WARNER,
CHAIRMAN**

Chairman WARNER. Good morning, everybody. We have changed the time of our hearing today because the Majority Leader and the Democratic Leader arranged for the entire Senate to be briefed this morning with regard to the security situation facing our Nation here in the next few months. More will be said about that publicly as the day goes on by Secretary Ridge and perhaps others. Senator Levin is on his way, so you will forgive the absence of a number of Senators who are still at the briefing, which is under way.

We will now come to order, and we are very pleased to have before the committee this morning our distinguished Chief of Naval Operations (CNO), Admiral Clark, who has been nominated for an additional 2-year term as CNO. Joining him today is Lieutenant General James E. Cartwright, Lieutenant General, Marine Corps. He has been nominated to serve as Commander, United States Strategic Command (STRATCOM).

We welcome both of our nominees and their families. I wonder at this time if you might introduce the distinguished first lady of the Navy, Admiral Clark, who has been a dear and valued friend and a full partner in your distinguished career thus far.

Admiral CLARK. Thank you very much, Mr. Chairman. It is always a privilege to be working beside my commander in chief and my bride of 40 years, Connie.

Connie, stand up, let everybody see you.

Chairman WARNER. We thank you, Mrs. Clark, for your marvelous service. It is a 24 hour a day, 7 day a week job that both of you have discharged well. We are so grateful as a nation that you have indicated that you will extend your tour of duty, and I am confident that the Senate will confirm you very promptly.

General?

General CARTWRIGHT. Thank you, Mr. Chairman. I would like to introduce my wife Sandy; my daughter Jamie, who is an analyst with Defense Intelligence Agency (DIA); my daughter Billie, who is a teacher in Fairfax County; her husband Andy, who is with the West Virginia National Guard, part of the Special Forces Group there, with tours in Bosnia and then recently in Afghanistan.

I appreciate the opportunity to be here today, sir.

Chairman WARNER. Thank you very much.

We have always viewed, Senator Levin and I, working together these many years that we have been on this committee, that families are an integral part of our nomination proceedings, because we recognize the very important role played by the spouses on behalf of those who perform these difficult duties.

The military is a family. I have always felt that, and in the past few years we have shown a greater and greater strength of the family role in the military. How often have we heard around this table, Senator Levin, that the decision to extend the term of service as an enlisted person and as an officer is made around the dinner table? That probably took place here, too. So we welcome you and your families here this morning.

Admiral Clark has been before this committee many times, having served since July 21, 2000, as the 27th Chief of Naval Operations. You have performed superbly. You have led the Navy to

new heights. You will go on, I am confident, to achieve even greater goals. We are grateful for your leadership.

I might say as a footnote to history, I think that you are the second in the contemporary history of the Navy to have gone the 6 years, Admiral Burke being the first. Am I not correct in that?

Admiral CLARK. That is correct, Mr. Chairman.

Chairman WARNER. Well, when you finish we will determine whether or not you have approached the successes of that great naval officer. We will hold that in abeyance.

Admiral CLARK. Yes, sir. I understand it is all about output. [Laughter.]

Chairman WARNER. Dealing with Congress.

You have served in a number of billets, including, I think, perhaps the one that you and I have talked about so many times, and that is your early duty as a young officer aboard destroyers off the coast of Vietnam when I was back in the Pentagon. Then of course, you commanded the U.S.S. *Carl Vinson* battle group, the Second Fleet, United States Atlantic Fleet, and served as the Director of the Joint Staff. So you are well experienced to take on this post.

Just over a year into Admiral Clark's tour as Chief of Naval Operations, our Nation suffered its perhaps worst disaster, an attack on September 11, 2001. We remember the 198 individuals who died at the Department of Defense (DOD) on that tragic day, including 29 members of the United States Navy, both active duty and Reserve, who died in the command center while performing their duties.

I compliment you, sir, for your compassionate response to the families of those military and civilian personnel in the Department of the Navy who died at the Pentagon and for those who have since, be they in the Navy, the Marine Corps, or other Services, and for your participation in recognition of their tremendous sacrifice in the cause of freedom and their families.

We have witnessed the effects of Admiral Clark's leadership in the superb performance of the Navy during Operations Enduring Freedom and Iraqi Freedom. We see it today in the ongoing implementation of Sea Power 21, the Navy's strategic vision for the future. We are fortunate as a Nation again that you are willing, together with your wife and other members of your family, to take on this post.

General Cartwright, I admire you for so many reasons. One, you had the aviation career that I always aspired to, but never was really qualified or able to achieve. To go back through the number of hours and the number of airplanes that you have mastered throughout your career, it is marvelous. You will be the first marine, if confirmed, to serve as Commander, United States Strategic Command. Your distinguished aviation record and outstanding record as an operational commander, including the First Marine Aircraft Wing, Marine Air Group 31, and Marine Attack Squadron 232. You previously served with the Joint Staff as the Director for Force Structure, Forces, and Assessment from 1996 to 1999, and returned in May 2002 to be the Director of this key directorate, the J-8. In your opening statement, I think it would be helpful if you expanded on the specific responsibilities of the J-8 post.

We congratulate you and your family on achieving the appointment by the President.
 Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you. Let me join you in welcoming and congratulating both of our two nominees. These are well-deserved nominations. I commend Admiral Clark and admire him as you do. I do not know General Cartwright as well, but had an opportunity to talk with him the other day in my office and was deeply impressed by a number of his characteristics, as well as by his background.

As you have mentioned, Mr. Chairman, Admiral Clark has been a naval officer for 36 years. He has had a distinguished career in the Navy, serving as our CNO since July 2000. He will be only the second CNO to be reappointed to a second term, as you have mentioned.

General Cartwright has been a marine for 32 years, spent the last 4 years as commanding general of the First Marine Aircraft Wing and Director of the J-8 on the Joint Staff, which gives him some extremely valuable background in terms of his new duties.

We thank you both for your service. We thank your families. As our chairman has mentioned, we always try to remember the families because of the critical role they play. You would not be here without them. You could not serve without them. Our Nation could not be served by you without the support of your families.

This is a very challenging period for our military. Admiral Clark, you are going to continue to be faced with the challenging task of recruiting and retaining a quality force, maintaining current readiness, and conducting the ongoing war on terrorism, and at the same time transforming the force structure of the Navy to deal with future threats.

General Cartwright, you, among others, are going to be playing a key role in establishing requirements for future space systems and for the nuclear weapons that we have. That is going to be particularly critical because of the apparent interest of this administration in exploring new types of nuclear weapons and new uses for nuclear weapons. That is a highly controversial position that the administration has taken. We have had many debates about this issue around this table and on the floor of the Senate. Your role in establishing requirements and assuring that whatever systems that you have function properly and effectively is an absolutely essential role.

So we welcome and commend both of you. We are grateful, again, for your extraordinary service to this Nation.

Chairman WARNER. Thank you, Senator Levin.

The committee has asked Admiral Clark and General Cartwright to answer a series of advance policy questions. They have responded to those questions and, without objection, I will make these questions and their responses part of the record.

We also have certain standard questions we ask every nominee who appears before the committee. Gentlemen, if you will respond to each question, then we can move on to your opening statements.

First, have you adhered to the applicable laws and regulations governing conflict of interest? Admiral Clark?

Admiral CLARK. I have.

General CARTWRIGHT. I have.

Chairman WARNER. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Admiral CLARK. No, sir, I have not.

General CARTWRIGHT. No, sir.

Chairman WARNER. Will you ensure that your staff complies with the deadlines established for the requested communications, including questions for the record, in hearings before the Congress of the United States?

Admiral CLARK. I will do that to the best of my ability, Mr. Chairman.

General CARTWRIGHT. I will do that, Mr. Chairman.

Chairman WARNER. Will you cooperate in providing witnesses and briefers in response to Congressional requests?

Admiral CLARK. Yes.

General CARTWRIGHT. Yes.

Chairman WARNER. Will those witnesses be protected from reprisal?

Admiral CLARK. Yes, sir.

General CARTWRIGHT. Absolutely.

Chairman WARNER. Do you agree, if confirmed, to appear and testify upon request by any duly constituted committee of the United States Congress?

Admiral CLARK. I do.

General CARTWRIGHT. I do.

Chairman WARNER. Do you agree, when asked before any duly constituted committee of Congress, to give your personal views; even if those views differ from the administration in power, you will provide them?

Admiral CLARK. Yes, sir, I will.

General CARTWRIGHT. I will.

Chairman WARNER. Do you agree to provide documents, including copies of electronic forms of communications, in a timely manner when requested by a duly constituted committee of Congress or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Admiral CLARK. I will. I understand the question you are asking sometimes will get into the issue of executive privilege in matters. I will comply with the directives that I am given, but I will provide everything that I am authorized to provide, sir.

Chairman WARNER. Thank you, Admiral.

General CARTWRIGHT. The same applies to me, sir.

Chairman WARNER. Now, first I would like to invite any of my colleagues who have joined us this morning if they would care to make an opening observation.

Senator ALLARD.

Senator ALLARD. Mr. Chairman, just briefly. I am glad to see that we have Admiral Clark before us again for consideration for Chief of Naval Operations. I think he has done a great job, and I

have enjoyed working with him on those issues that we have had the opportunity to work together.

I look forward to working with General Cartwright. I have looked over your experience, and I think that you have the background to do a good job. I look forward to working with you. Many of those areas that you are working in, General Cartwright, are areas of concern to me as chairman of the Strategic Forces Subcommittee of this committee. I look forward to working with you on the development of our global strike capabilities, the integration of our missile defenses, and the operation of our military space assets, which are extremely important to all branches of the Service. I am glad to see that we are giving a marine an opportunity to serve in that capacity and look forward to working with you.

Thank you, Mr. Chairman.

Chairman WARNER. Senator Reed.

Senator REED. I just want to welcome both Admiral Clark and General Cartwright and thank them for their great service to the Nation. Thank you.

Chairman WARNER. Colleagues?

Senator Talent.

Senator TALENT. Very briefly, Mr. Chairman. It has been a pleasure for me as a freshman in this committee and, notwithstanding that, the chairman of the Seapower Subcommittee, to work with Admiral Clark. I think his reappointment is an outstanding move. I am looking forward to working with General Cartwright, and welcome them both to the committee.

Chairman WARNER. Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

It is a pleasure to welcome you back, Admiral Clark. Your distinguished career speaks for itself and the fact that you have been asked, but also that you are willing to re-up, I think is a reassuring thing for us as we face a very difficult and dangerous world. The importance of the Navy to that is clear.

General Cartwright, I look forward to welcoming you to Nebraska, where we are very proud to be the home of Strategic Command. With the addition of Space Command capabilities and responsibilities, it will be a pleasure to welcome you.

The fact that you are the first marine will cause some people to ask, why a marine? But they asked, why an admiral in Nebraska? So I am sure that we will get over that consideration real quickly. I also am proud to welcome you and your family to Nebraska, where we are looking forward to working with you both professionally and socially, as we have with the Commander in Chiefs (CINCs) at STRATCOM over the years.

It is my pleasure to be here with you today, and I appreciate the kind response to all the questions that we asked during our meeting. I think you have gotten an idea of the capabilities and what the future changes and transformation time will require, and therefore I think you are an excellent selection. I look forward to a quick confirmation of your nomination.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Nelson.

Senator Dole.

Senator DOLE. Admiral Clark, I look forward to working with you as you continue to pursue your transformation priorities. I want to mention that I am excited about the growing naval presence in North Carolina. I had the privilege of talking with a number of wonderful young sailors, both at Cherry Point and at Camp Lejeune Naval Hospitals, and I cannot say enough about these wonderful young people.

Certainly, General Cartwright, I look forward to working with you in your very important role of supporting our national security. Our strategic forces must continue to put forth a safe, reliable deterrent, and STRATCOM must maintain the global perspective in stabilizing the international security environment and winning the global war on terror.

So I congratulate you both and thank you for your outstanding service to our country.

Admiral CLARK. Thank you, Senator.

Chairman WARNER. Thank you very much, Senator.

Admiral Clark.

STATEMENT OF ADM VERNON E. CLARK, USN, FOR RE-APPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE CHIEF OF NAVAL OPERATIONS

Admiral CLARK. Mr. Chairman, distinguished members of the committee, Senator Levin: Good morning. I want to say to each of you it is a great privilege to be here. I also want to say that it is a high honor for me to appear alongside General Cartwright. This is a great officer. He has been well nominated and well-chosen. He will serve with distinction if you confirm him to be the Commander of Strategic Command. It is truly an honor.

I would say too, on the Joint Staff, setting aside the Chairman and the Vice Chairman, I get to work and rub elbows with this gentleman more than any of the other directors there. He is a fantastic officer.

Chairman WARNER. That is because of the duties in which he served in the J-8 post, is that correct?

Admiral CLARK. I am sorry, sir?

Chairman WARNER. In other words, you said that you have probably had more association. Is it because of his specific responsibilities?

Admiral CLARK. Because of his responsibilities as the J-8, I see more of him in the tank and in discussions about the creation of our future military. I would characterize my ability to observe him as, "up close and personal." He has been well nominated.

Chairman WARNER. Thank you very much, Admiral.

Admiral CLARK. I also want to say thank you for the opportunity to discuss my potential renomination and the goals for the future of our Navy. I want to express my appreciation to each of you for your strong support for our Navy, a support that has allowed us to respond to the challenges that we have faced while I have been given the privilege of serving as the Chief of the Navy.

Mr. Chairman, you mentioned I have been here now a number of times. I have come to know each of you well. I wish that America could see what I see in watching you labor for the good of America. It is clear to me that this Nation is blessed to have a body like this,

because I have come to understand that creating the defense capability the Nation needs is just plain hard work. Your resolve has given our Nation the best Navy that we have ever known.

My goals as the CNO for the past 4 years are a matter of record, and I report that I am pleased with the progress that we have made in the areas that I have identified as my priorities: manpower, current readiness, future readiness, quality of service, and, of course, alignment.

Having said that I am satisfied and pleased with our progress, I must say that there is still a lot to do. If confirmed for this additional assignment, I will continue to emphasize the priorities that I last spoke about to you on February 10 in my posture hearing, and I will continue to focus on three specific goals for the future. We will seek to deliver the right readiness, at the right cost, to support the global war on terror, and to meet the Nation's warfighting needs. We will continue to develop our 21st century workforce and deepen the professional growth of our sailors. That means my commitment to the men and women who choose to wear the cloth of the Nation will continue to be my number one priority, because I am convinced that without them none of the things that we need to do are possible.

Third, we will seek to accelerate our investments in our naval strategy, Seapower 21, to recapitalize and to transform our Navy.

I am committed to pursuing innovative solutions to long-term challenges, while I also remain committed to our great sailors. On that point, I want to say that having the opportunity to lead the young men and women of America who have chosen to be sailors and to mold and shape the Navy has been an extreme honor for me and my bride of 40 years.

Mr. Chairman, I appreciate you recognizing her, and you called it correctly, the decision to continue to do this was a team decision, and we have been working on this project as a team. We are honored to appear before this committee for this rather unique reappointment.

So I thank you for your continued support and I look forward to your questions. Thank you, Mr. Chairman.

Chairman WARNER. A wonderful statement, Admiral. Thank you very much.

General.

STATEMENT OF LT. GEN. JAMES E. CARTWRIGHT, USMC, FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES STRATEGIC COMMAND

General CARTWRIGHT. Mr. Chairman, Senator Levin, and other distinguished members that are here today: I really do feel greatly honored at this opportunity. I would be remiss, as Admiral Clark did, to not comment on the bipartisan support of our soldiers, sailors, airmen, and marines who are in uniform and serving today. This committee has really been forward-leaning in taking care of our people and that is critical both today and into our future.

It is a personal and professional honor to appear before you today as the nominee for the position of Commander, United States Strategic Command. As was mentioned earlier, this is a time of unprecedented challenge and a time of change for our forces and the

Nation. I am humbled by the prospect of continued service in this assignment, alongside the talented people of the United States Strategic Command and all the soldiers, sailors, airmen, and marines of the Nation.

If confirmed, I will add my energies to sustaining and enhancing the unique and essential contributions of Strategic Command.

I thank you and the members for the opportunity today. I will digress a little bit here and talk, as you asked, a little bit about current duties that you have confirmed me for as the J-8 in the Joint Staff. This is a unique opportunity to be in that particular billet because you get the opportunity to look across a wide portfolio. Inside of the J-8 resides for you the opportunity to do assessments on force structure, acquisition programs, requirements, all the analytics that go to underpin our warfighting plans and the future of our force.

In that billet I had the opportunity to provide advice both to the Chairman and to the Joint Chiefs; the opportunity to lay down the facts and say, here is how analytically these things lay out for us. Here are the opportunities. Here, to some extent, are the second and third order effects of decisions that you might make.

It is with that background that I come to this job, if confirmed, to provide that kind of advice both to the Chairman and to the Secretary of Defense and President and also to the members of this committee, if asked.

So, Mr. Chairman, I look forward to your questions along with Admiral Clark.

Chairman WARNER. Thank you very much.

Admiral, we have watched the military departments go through their own analyses of transformation and particularly the Army has had an extraordinary amount of transformation. One of their goals has been to take, say, the current force level of the Army and transform it in a way that they are getting more firepower out of what they have, not only in personnel but equipment and the like. The Army feels the need for, and I think all of us wish to be supportive that they need a larger force level.

Tell us about the degree of transformation that you have supervised in the Navy, and are you likewise trying to get a greater efficiency out of what you have in personnel and equipment, and what you project for the next 2 years?

Admiral CLARK. Well, that question is really at the heart of what the future is about, is it not, Mr. Chairman? In the written response to questions I think I have about five or six pages in there about what we have done so far executing our transformation plan.

Let me start with the people side of this. What we see the Army doing is basically a restructuring to obtain more operational availability out of the force that they have already bought and paid for. Then they are looking at additional resources, which Congress is dealing with. I would report to you that one of the most important studies, potentially the most important study, that has been conducted since I have been the Chief is a study called the Operational Availability Study, that is led up by this guy on my left.

I happen to believe that at the heart of everything that we need to do to transform is we have to figure out how to get more oper-

ational availability out of the investment that the taxpayers of America have already made in the military.

For me it goes like this. On the people side, of course, I am trying to build a more effective and efficient Navy. I say "effective" because I do not believe you start by trying to become efficient. I think if you become more effective and create better warfighting capability, you will become efficient naturally.

I am the one Service Chief that has a program recommended before Congress that is reducing the number of people. I happen to believe that we have a Cold War personnel structure, and I am seeking to realign and transform my personnel system to the maximum extent that it is possible to do within the structure that we have today.

We have done some things that will lead us to future transformations and addresses the operational availability issue. For 2 years, I have been talking to you about an experiment that we are conducting called Sea Swap. The ships are now home. When I appeared before you in February they were still in the Gulf, in the area of responsibility (AOR) conducting combat operations.

One of the ships, a brand new Guided Missile Destroyer (DDG), went there for 18 months, and then one of the oldest ships I have in the Navy, a destroyer, went there for 2 years. I rotated the crews. In the process of doing so, I eliminated approximately 80 days of transit time, multiplied by 4 for the destroyer and 80 days of transit multiplied by 3 for the DDG. I have been also talking about my belief that we need about 375 ships in the Navy. I think I can report to you that I do not know what that number is for sure now, because I am convinced that this kind of operational availability analysis is going to allow me to bring more combat capabilities to the Nation at lower cost and to provide that kind of combat capability on point where it gives the President of the United States the options he or she will need in the future to deal with the global challenges that face them. That is just one point.

With regard to programs, I could talk to you at length in the written testimony and the response to questions about things like the multi-missioned surface combatant (DD(X)). DD(X), because it is all-electric, will create a fundamental change in the relationship between the United States Marine Corps and the United States Navy in warfighting. What does that mean? Well, to summarize it, I will say it like this: In Operation Desert Storm we saw precision come to the battle space. In the air arm of the military, the world watched as crosshairs went on windows in specific targets, and precision changed everything. We have not brought that kind of precision to land warfare yet, but we are now.

DD(X) will bring a gun with a precision capability to initially fire 100 miles and hit this table. In times after that as we introduce electromagnetic—

Chairman WARNER. Maybe some other table you might target. [Laughter.]

Admiral CLARK. Yes, sir.

Senator LEVIN. Now you know that you are making us nervous here. The chairman just redesigned this committee table!

Admiral CLARK. Let me not be taken literally. [Laughter.]

In the days that follow as we continue our investment in more precision, an electromagnetic rail gun will increase our current capability by over 400 times and bring precision to the marines on the battlefield.

Now, General Hagee can come up here and talk to you about how that will transform the way they fight. But it will be significant. These are examples. Manpower savings: DD(X) will have 125 or so people. Pete Schoomaker has reported to you 10,000 people equals \$1.2 billion worth of resources. If we can learn how to bring more combat capability with fewer people, we can invest that money in the investment streams that create tomorrow's military capability.

Now, I must say this because I do not want to be misunderstood. Part of my belief—and if you reconfirm me, I would hope that you have picked this up, up to this point in the time in our experience together, but I want to reemphasize this. I have staked my whole first tour on the point that we are going to build people. This is not about cutting people; it is about buying the right level of readiness.

My belief is it has to be good for sailors, but it also has to be good for the taxpayer, too. Here is what I believe: In order to compete in the 21st century, we have to compete in the marketplace for the human resources that will make our Navy what it is going to become, and that is the young men and women that are more and more gifted and will be more and more in demand in the marketplace.

I am convinced that we are going to have to have incentivized remuneration systems that are different from what we have today. I am also convinced that when I look at the track history, manpower accounts have gone up 50 percent since I have become the CNO. Here is my commitment: I want to commit that we will spend whatever it takes to grow and develop the young men and women who have made the choice to serve and wear the cloth of the Nation. We will spend whatever it takes to grow and develop them. But I do not want to spend one thin dime on a person that we really do not need.

So that is a brief top line on where we are going, Mr. Chairman.

Chairman WARNER. Thank you very much.

General Cartwright, throughout almost the entire history of America's posture on strategic systems, we have relied on what is known as the triad: a sea-based leg, an air leg, and a missile leg. Give us your views as to whether that is to remain a fundamental concept in our strategic planning for the future and your assessment to date of those systems, their capabilities, and the need for replacement and how that should be done.

General CARTWRIGHT. Thank you, Mr. Chairman. That is a broad order, but the triad has served the Nation well. We have gone through a review, the Nuclear Posture Review, which looked at that triad. It validated the contribution of the bombers, the contribution of the missiles, and the contributions of the submarines. It also looked at the opportunity to create defensive capabilities, the opportunities to look at non-nuclear capabilities, both kinetic and non-kinetic. A third pillar, which is the infrastructure, if you take the offensive piece, the defensive piece, talks to the buildings and the mortar, and to the values that Admiral Clark just spoke

to: the people, the intellectual capital, and the people that serve in the Services that provide these capabilities. Our ability to get the best and the brightest—the right ones—the ones that want to serve and who want to contribute, and nurture them and provide the opportunity for them to contribute. I think that that is one of the major challenges that I will have if confirmed, to bring in the right people, attract them, allow them to have the opportunity to contribute in these areas of offense, defense, and the infrastructure that support this great deterrent capability, and broaden that capability from the standpoint of the non-kinetic and the conventional means by which we can take a global perspective on deterrence. That is where we are trying to head.

So if confirmed, those are the areas that I will focus on with respect to the triad, but to broaden it out, as we have done in this review, to take in both the defensive pieces and the infrastructure pieces.

Chairman WARNER. Let us go with some specificity on the three systems. The naval leg is always viewed as the most survivable leg.

General CARTWRIGHT. Yes, sir.

Chairman WARNER. You have upgraded a number of missile ships. The lifespan of the existing fleet as far as I know, Admiral, is way into the future. So I think we can put that leg aside.

But let us look at the airplanes, primarily the aging aircraft, the old, wonderful, magnificent B-52s. Again, you and I calculated the other day when we were visiting, some of them are into their half century of life, am I correct?

General CARTWRIGHT. Yes, sir.

Chairman WARNER. How would you visualize continuing that system? Is there anything in your judgment that should be done now by the DOD, working with Congress, to lay a foundation for looking at a follow-on aircraft?

General CARTWRIGHT. Well, first with the B-52, it has served us well. It continues to serve us well, and it has a lot of life left in it. The Air Force, in particular with the B-52, is looking at programs to extend the service life. Number one, to extend the viability of the platform with integrated avionics and weapons systems that are more relevant today and keep pace with the developments that are out there.

In addition, you have the B-2 side of the house, which brings to the table the equation of great survivability. The question for the future that we look at is: What are the attributes that we think we are going to want for future systems? When do we believe that we are going to need to bring them to bear? When can we no longer modify the existing platforms to a level that keeps them relevant? When do we need to transition? What do we want to transition to?

There are several studies out there right now, both ongoing and completed, that are starting to look at the kinds of attributes that we would like to have. Obviously, global reach, the ability to sustain or be persistent in the area and create effect out there are going to be critical assets. The survivability of a platform and its ability to get to the target is going to be absolutely essential, and the ability to go there in areas that are denied globally is going to be a critical aspect that we need to take a look at and figure out how we are going to accomplish.

Some of those are going to bring in the technologies that we have, that we see on the horizon, of very high speeds, the ability to sustain and persist on station for long periods of time that are measured, not in minutes, but in days. Those are the types of capabilities that we will have to take a look at in the future.

The critical questions will become: When do we need to make that decision? When do we need those new capabilities that can no longer be brought to bear by just modifying existing platforms? Then to sit down and have that debate about exactly when. Is this the time and what risks are we assuming by delaying the decision? I think for each of those legs those are going to be critical decisions that will come here in the near future.

Chairman WARNER. Let us take the land-based leg then, the missiles. Those systems have a lot of years on them.

General CARTWRIGHT. Yes, sir. The land-based systems, the missile systems, are going through life extension programs. We are retiring the Peacekeeper fleet, but the motors, the launchers, the boosters, those things are still relevant and could be used in other ways. We should keep those and explore the opportunities that we have with those.

My belief is that those systems still have life, whether we are talking about the Minuteman or the Peacekeeper. They still have a lot of viability. They need to be upgraded as opportunities become available. This committee has been very good in supporting those operations and those upgrades and the life extensions of those programs and keeping them relevant, and they still are a very relevant force.

Chairman WARNER. I thank you, General.

Senator Levin.

Senator LEVIN. First, Admiral, let me ask you a budget question. Many of us at the time that the budget was submitted by the administration argued that the fiscal year 2005 budget request did not include any funding for the wars in Iraq and Afghanistan. The administration has now changed their course. They agree that a \$25 billion contingency fund is needed to bridge the gap between the start of fiscal year 2005 and the likely time when there will be a full supplemental request.

Now, in the meantime, the DOD has asked Congress to shift about \$3 billion within the Department of Defense's resources to meet more urgent fiscal year 2004 requirements. At the last hearing, you indicated that you did not have problems about cash flowing fiscal year funding to meet early requirements in fiscal year 2005.

My question, however, is are you convinced now that you can maintain your current level of readiness and operate through the end of fiscal year 2004 with the resources that would be available under the reprogramming request?

Admiral CLARK. When we appeared before you in February, I was also asked what would my shortfalls be, and I believe I reported \$1.3 billion or \$1.6 billion. We did not know that there were going to be additional deployments for the marines. Before this committee and other committees, as the facts unfolded over the course of the spring and early summer, we testified to the fact that

we would expect to be covered with unforeseen expenses through the supplemental.

When it came time to do that, there were insufficient funds in the supplemental for us to be covered. So I am currently \$1.3 billion short in fiscal year 2004. We have spoken openly about those numbers. I have reprogrammed \$300 million of base support, project modernizations, and so forth, in the shore base structure, and I have taken some flying hour money and things to get by.

No doubt about it, if this is not recovered in a bridge to fiscal year 2005 those issues will either have to be pushed into fiscal year 2005, and I have not programmed for them in fiscal year 2005, or our readiness will be impacted. So I can address any of those particular issues there, but I can tell you it is a couple hundred million dollars in flying hours and a couple hundred million dollars in steaming days and the \$300 million in shore structure, and the rest are smaller items. Those three items will affect our readiness. I will be able to sustain my six plus two posture, but let us say that my force was C-2. I would be at a lower level inside the C-2 structure, but I will be able to respond to global requirements. My readiness level will be lower.

Senator LEVIN. Thank you.

Admiral, in response to a prehearing question regarding what you might recommend as a potential change to the Goldwater-Nichols Act, you indicated disagreement with the Act's establishment of the Service Secretary as the sole acquisition authority within the departments. The reason that the Goldwater-Nichols Act was crafted as it was, to remove the Service Chiefs from the acquisition chain of command, was that Congress felt there should be an individual that makes acquisition decisions who is different from the individual who sets the requirements. Before Goldwater-Nichols there had been no healthy tension between the set of requirements and what might be considered affordable. Before Goldwater-Nichols, requirements took precedence, to the exclusion of more affordable systems that might be satisfactory, but not perhaps quite as good.

If the legislation were changed to again include the service chiefs in the process, how would that ensure that that imperative of filling requirements would not overwhelm the decision to acquire something which is good enough and affordable?

Admiral CLARK. It is a great question. I wrote those words myself. There has been a lot of discussion in Washington over the course of the last year. In fact, we discussed this at a previous hearing. I want to set the stage for this. I happen to believe that we have a phenomenal team in the Navy department and the acquisition executive and I work extremely closely.

Here is what I see as the extreme point in the law. Since I have been the CNO, I have been looking back over what I think happened in times prior and asking whether we were well served by the extreme point in the law. The extreme point in the law says nothing will occur and the services will take no action which will abridge this—and I am paraphrasing here, which will abridge this separation, so that the services are involved in acquisition decisions, or words to that effect.

My view is that is too extreme. My view is that the services should be represented when you are at an acquisition point and you are looking at fiscal realities and you are trading off a potential—you might be way past the knee of the curve in buying a capability that was initially laid out in the key performance parameters, and in the final acquisition decision. If it was going to cost you the sun, moon and the stars to go to that next level, you ought to be represented in that discussion.

That is the point that I really am referring to, Senator.

Senator LEVIN. Just one question for you, General Cartwright. As the person in charge of operational concepts for strategic systems, how important is it for you to have good testing of a system to show what the military utility is? Do you believe that independent, realistic operational tests on major weapons systems prior to going into full production provide for that good testing?

General CARTWRIGHT. Senator, the issue of operational testing is a very important issue, and it is laid out in the statute. There are various parts of those rules which I need to spend more time on to understand. Basically in the test regime, we have the opportunity to look at the performance of any given system that we would like to field in the developmental testing. That should be a venue by which we get some of our information.

I am speaking here as if we had the opportunity, if I were confirmed in this position and looking at a particular system, a strategic system that was being fielded. Next, you have the opportunity for operational testing. In strategic systems we oftentimes cannot go to the final stage in our testing because of the types of systems. It is not like jumping in an airplane and carrying a bomb out to the target and actually dropping it and getting the chance to see how it falls and what happens at the point of impact and afterwards. But there are good regimes for operational testing and they should be operationally realistic, and I do support that.

If confirmed, there is also some opportunity to conduct what we are calling military utility assessments, which is the opportunity for the combatant commander to look at the developmental testing and all that that brings to the table, the operational testing and all that that brings to the table. Then the other tools that we have: war games to understand the command and control aspects of any given system and how it would fit; its applicability, its attributes, the analysis that we can do, when and where you might use that capability. Those also have to be brought to bear.

So, at the conclusion, each one of those tests gives you an insight into what it is you might want to be able to do and the ability of a given system to provide that capability. It would be my job to come to you at the end of that military utility assessment and say: "I have looked at the developmental testing. I have looked at the operational testing. I have done as much as I can do to understand all the attributes of this system from a military utility perspective, and here is my recommendation."

Given that new systems often are spiraled and do not just have one iteration, and then are fielded, I need to come to you and give you my best judgment on: Is this spiral what we need and is it worth bringing to the table at this point in time, or what are the risks if we do not?

Senator LEVIN. The operational testing you refer to as being part of that overall assessment which is provided for by the law, is it important that it be independent operational testing?

General CARTWRIGHT. Yes, sir, absolutely.

Senator LEVIN. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

Admiral Clark, I am encouraged by your fiscal response to preparedness, because I think it clearly is what we need to do, having the right military to do what we need to do in this particular environment of threat, as opposed to the Cold War threat environment in preparedness.

I notice you said that if you reduce the force by 10,000 you save \$1.2 billion. So is it your thought that you are looking at about \$120,000 for training, equipping, and maintaining individual soldiers, airmen, sailors, and marines? Would that apply pretty much across the board, about \$120,000?

Admiral CLARK. I am not sure I understand.

Senator BEN NELSON. It costs so much to train, equip, and maintain personnel.

Admiral CLARK. Yes.

Senator BEN NELSON. Individually, what do you think that it costs you to bring a new sailor in to serve?

Admiral CLARK. Well, it is different for every individual. This is why we have to have a 21st century structure.

Senator BEN NELSON. Right.

Admiral CLARK. Because you cannot bring in a person, a highly skilled person, and get them and compete in the marketplace at the same cost as you do somebody with a lower skill set. So the future is about matching skill sets and optimizing the way you get your hands on them and acquire them for the institution.

I have not gone into this before, but when I came into office I had a personal project for year 1. For me it was "alignment." Year 2 was the revolution in training, year 3, and so forth. If I am reconfirmed, my year 5 project is going to be the pursuit of a 21st century human resource strategy that addresses these issues. I believe this is the most important thing for my Navy to focus on. I actually believe it is a requirement for the entire military structure.

What the human capital, human resource strategy does, it addresses first how do you acquire these individuals, and then what is the development cycle for them, and then how do you retain them, and should you sign onto a philosophy that says they are going to join you for life? Is that realistic in the 21st century? It turns out that in the marketplace you find that it is less and less the case.

So do you have "on ramps and off ramps" for people, and how do you do this? I can bring in a sailor for \$12,000 to \$15,000, but that does not even start the training process. To bring in a pilot, it costs me a million plus to train a pilot.

So this is why we have to put the spotlight on this, in order to redirect those resources. The Congressional Budget Office (CBO) study pointed out just late last year in a study on Navy shipbuilding. They said since 1990 we have averaged a little over \$8 billion

a year in shipbuilding and acknowledged that we cannot have the Navy of the future if we continue to do that.

I have been working to redirect resources so that we have them to invest in our future while we posture ourselves for the present and have the right kind of readiness for today.

Senator BEN NELSON. Thank you very much.

As the ranking member with my chairman, Senator Chambliss, on the Personnel Subcommittee, I would be very interested if you could give us more insight at a later date on what the compensation packages should look like to be modern. I would suggest that to you, General Cartwright, as well, because I think we are struggling, making a pie a piece at a time. We are not getting a comprehensive look at what compensation packages will make us competitive in the marketplace today.

So I thank you, Admiral.

General, with respect to the risks that we have with the National Missile Defense systems designed to protect us from nuclear armed missile attack or any other attack that might come our way with the weapons of mass destruction, chemical or biological, would you agree that the launch of a North Korean long-range missile against the U.S. would be an unforeseen event necessarily? If we knew that it was coming we could take all the necessary actions to prevent it, but the offense always has the element of surprise, whether it is in athletics or whether it is in warfighting. Is it safe to say that the operational testing that you are talking about and the developmental testing will put us into a position where we have major confidence that our ability to react to any kind of a launch would be the best that we could possibly have? Can we do more to aid you in meeting that challenge?

General CARTWRIGHT. That is a great question. It is one that I am going to have to spend more time on, clearly. But if you know that a threat is coming, you obviously have an opportunity to bring a lot of the Nation's capabilities to bear on that threat. It may be that you take a very different tack if you do not know it is coming, or the opportunity to have a threat basically threaten the United States from which you do not have the opportunity to prepare, you would like to build a defensive system that has all the attributes you described.

Senator BEN NELSON. To react to surprise as well.

General CARTWRIGHT. Yes, sir, and the unknown about whether it is North Korea or somewhere else. Those are the types of attributes that we are going to have to look at as we grow this system. Those are the decisions that I have to bring to you on here is what we are capable of doing under the current system; is this where we want to be; do we want to go beyond that, and how. I will spend a great deal of time working to understand those opportunities.

Senator BEN NELSON. I appreciate your answer. I am certainly encouraged by your willingness to move forward with operational testing. It has gotten to be a little bit of a testy issue sometimes on a rational basis here, and I am encouraged by your willingness to really look at it. We all want to make sure that at the end of the day it works or that we have the greatest assurance that it

works, because it is expensive, a lot is contingent on it, and our security is dependent on it.

So I thank you very much. I look forward to working with you.

Chairman WARNER. Thank you, Senator Nelson.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Let me echo what Senator Nelson says, Admiral Clark, with respect to the compensation packages. We have been kind of piecemealing this, in particular for the Guard and Reserve over the last couple of years, and all of us agree that we need to relook at this. I think it would behoove all of us, both active duty as well as the Reserve, to get a plan together so that we can help you in your recruiting and retention if folks know what to expect down the road. I think it would be smart to do that.

Senator Warner, Senator Nelson, and I will look forward to working with you as well as the other chiefs on that issue.

Talking about the Reserves, Admiral Clark, I know that you are continuing to move hardware within your Reserve units. Are you seeing any results of this, such as downsizing of the Reserves, with folks not reenlisting because all of a sudden they are having to go further away from home to carry out their weekend missions and their other training missions?

Can you tell me what your thought process is on this, and is it going to impact your recruiting and retention?

Admiral CLARK. Well, it is a key issue, because before you came in we were talking about operational availability of forces and units. Operational availability of people is also a key issue that really applies to the Reserves. The fundamental thing of what we are doing right now is that we have a zero-based review of the whole Reserve structure going on between the Chief of the Naval Reserve, Vice Admiral John Cotton, and the Commander of Fleet Forces Command, Admiral Bill Fallon. We are in the process of baselining everything that we have got with these objectives in mind.

We want the Reserve Force of the future to be integrated with the Active Force fully. For much of our past that was not true, and our conviction is that that is what the Nation needs and that is what the Navy needs.

I will tell you that we are so impressed with what the Reserve structure is doing in the global war on terrorism. In the Navy, our numbers that have been called up are certainly not as significant as the Army, but my whole Reserve structure is not nearly as big as theirs. We are looking at the creation of something that we are going to call Fleet Response Units (FRUs), that go hand-in-glove with this Fleet Response Plan that we have created, that is going to give us more operational availability. We are looking at the Air Force model, the way they have used the blended approach, which I think makes a lot of sense. So it is a two-way street, that there are actives in there and there are Reserves in there.

None of these decisions are final. We are exploring our way through how to implement a Navy that is more responsive, that makes the best use of the Reserve structure, that meets the needs that the Navy really has in the 21st century.

Now, I did not really answer your question. We are alerted to the potential problem that you describe. You cannot have a unit that is in your State and have all of the hardware parked 12 States over. That is going to really complicate the problem, and that has to be a primary consideration as we reach for potential solutions.

Senator CHAMBLISS. We are going through some of that at Naval Air Station (NAS) Atlanta right now. You cannot have a more professional group than those reservists that are there now. They are superb individuals, and they are doing a terrific job. I know just from talking to them, that there is the potential there for that problem. So I hope you will seriously consider that.

Admiral CLARK. Absolutely.

Senator CHAMBLISS. General Cartwright, you discuss in your responses to the advance policy questions the importance of developing more robust pit production capability. While there is limited production facility at Los Alamos Labs, we do not have the flexible production capability that other countries possessing nuclear weapons do have. We are considering right now the establishment of another pit facility and where that location is going to be. If you will elaborate on the steps you will take if confirmed to ensure the United States does develop and maintain this capability, which is essential to maintaining an effective and safe nuclear deterrent.

General CARTWRIGHT. Yes, sir. It is a wonderful question, and it is at the heart of this new triad and the infrastructure piece of this new triad, the ability to respond. It is broader than just building one component. It is looking at the entire capability and saying: What do we want to have to be able to respond if our current systems are either put at risk because the threat matures, or put at risk because there is a technical problem that we discover with them, or what we are trying to be able to do with the current capability needs to change to respond to that threat.

To have the infrastructure, which is, again, not just the mortar and bricks, but it is the intellectual capital to be able to do these kinds of very sophisticated tasks associated in this case with pit production, having that intellectual underpinning, and having the capacity to respond in a balance. Let me go to kind of the analytic model of a response surface, that if one part of this complex system is becoming the through-put chokepoint, then the ability of the other parts to respond and make up the difference is one way of looking at it. In other words, can I go and invest in analytic tools that make me understand and give me the right pit through-put capability that I need, or do I need to have a facility that actually increases the through-put?

We need to look at all of the pieces of the puzzle to make sure that we understand what portion of it will make the most significant difference and is the most responsive to why we are making a change. If I get the opportunity to assume this job, that is what I will be looking at, the holistic system, and what makes a difference, where do we need to put our investment in order to be best postured to respond to the emerging threat.

Senator CHAMBLISS. Thank you. Thanks to both of you for your service to our country.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Chambliss.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Gentlemen, again thank you for your service to our Nation and to the Navy and the Marine Corps.

Admiral Clark, there are current reviews of the size of the submarine fleet. Admiral Sestak, who is a very competent and capable officer, did a serious study, but that is classified. I do not want to get into that. But the last report in 1999 by the Joint Chiefs of Staff suggested that the appropriate level was 55 submarines. But in the middle of the next decade, which is presumably several years out, it would be anywhere from 68 to 72.

Do you have a number in mind right now in your view which is the right number of submarines to be deployed in the fleet?

Admiral CLARK. The Joint Staff has a study going on regarding undersea warfare, and it will address this issue. We are in the process—as you indicated, Admiral Sestak has done some work for me, and his work talks across a span of responses.

Here is, I guess, how I would respond to this. When the chairman asked the question about transformation, there are so many things to talk about. I wrote pages and pages in my answer to my written questions. But when I look at the submarine force, I look at this: the incredible capability they bring to the table, and I will tell you that the 1999 study was done primarily driven by peacetime requirements and what we call intelligence, surveillance, and reconnaissance (ISR) requirements. My focus is on warfighting requirements first and then, what are the options after the warfighting requirements.

I can tell you that coming at that from a different position is likely to give me a different perception of what I think we will need. But here is where we are with regard to requirements. There are a lot of studies out there. We have a study that says we need 168 surface combatants and I have got 96. I have got another study that says I need 135. We have got studies that say we need 15 carriers and we have got 12. We have got studies that say that we need 3.0 Marine Expeditionary Brigade (MEB) lift for the Marines and we have between 2.5 and 2.8.

By the way, the studies are important, but what are even more important are the assumptions that cause the studies to turn out the way they have. Here is what I have asked of the submarine force. I said: Look, I believe that as we look to the future—and this is a transformational point—speed is going to be more important than ever before, which is why we moved three submarines to Guam, because the Pacific is important and we want to be ready to respond faster.

This is why in our transformational concepts next year we will be talking about delivering twice as much combat power in half the time with the Marine Force. Speed is important to 21st century warfare.

I believe we have to exploit the stealth capability that submarines bring to get more return in the pre-hostilities phase, because I believe this is the greatest advantage that they bring to the warfight. We have to make the investment so that it is possible for us to exploit that capability.

I believe, Senator, over the course of the next number of months we will come down to again a spread of potential numbers where we might go. I can tell you that I do not know what the Joint Staff is going to say on this. So I am not in on their study. With the submarine force, we are going to apply exactly the same kind of analytical rigor to the requirements that we apply to every other platform set, and when that number comes out, whatever comes out, that is what we are going to bring up through the administration as the requirement for what we need to be able to win in the 21st century.

Senator REED. Admiral, I think in your written comments and also in your response you indicate that if you take a different scenario you can have a different answer.

Admiral CLARK. Absolutely correct.

Senator REED. The warfighting scenario, as you point out, depends on assumptions about duration of the fight, even the scenario itself, is it a quick win or is it a prolonged operation.

Then the other aspect you mention is this intelligence ISR mission might be a peacetime mission, but I do not expect it is going to go away, and I think it is something that has to be factored, too.

I presume from your answer all of those missions and those assumptions will be included.

Admiral CLARK. Well, let me make sure that I do not get misrepresented. The numbers were driven by a peacetime rotation requirement, but certainly you are right—that in wartime one of the most valuable things that a submarine brings to the task is they can go conduct covert kinds of ISR collection missions.

Now, having said that, let us cut to the chase here. Cost is important. In every platform that we have, we are examining how can we afford what we need for the future. I have been talking about the challenges in changing the manpower profiles and all of that to the tunes of billions of dollars to try to create the 21st century Navy. We have got the record here. The CBO study lays it out clearly. We, as a Nation, have not been able to invest the resources to sustain the shipbuilding structure.

So I am constantly looking to compete every potential capability against another capability to see, is there a better and more effective way that I can accomplish the mission. That is the way I take my task. That is what I am getting paid to do.

We just had, just this last week, we had another indication that we are going to have an increase in the *Virginia* class. We have to get a hold of costs. By the way, there was an article in the *New London* dated this morning, and I want to praise the leadership of the submarine community. The Program Executive Officer (PEO), Admiral John Butler, was talking with the suppliers and saying: Look, we need your help to figure out how to produce this product in a competitive way, and we do. We need that. That is what we need to be able to do, because we cannot make it without the tremendous capability that the submarine force brings to the fight. We cannot dominate the undersea battle space without them.

Senator REED. Thank you.

My time has expired, so, General Cartwright, I will have some written questions. Thank you.

Chairman WARNER. Thank you very much. We will, for the information of all members of the committee, leave the record open the usual period of time within which to submit questions. However, it is the intention of the chair, in consultation with Mr. Levin, to try and move these nominations tonight or tomorrow morning. I think it is important, particularly for General Cartwright. There is a change of command taking place with General Ellis. When is that scheduled?

General CARTWRIGHT. If confirmed, sir, it is tomorrow morning. [Laughter.]

Senator REED. Just in time.

Chairman WARNER. You may have to go find one of those old single-seat aircraft and get it and fly your mission out there.

We have Senator Pryor.

Senator PRYOR. Thank you, Mr. Chairman, I do not have any questions.

Chairman WARNER. Fine, thank you.

We have our good friend Mr. Dayton.

Senator DAYTON. I am amazed that the military has that much confidence in the efficiency of the Senate. [Laughter.]

Certainly well placed with the chairman and the ranking member. They will pull us all through no doubt, and I look forward to supporting both of your nominations, and thank you for your service to our country.

Admiral, I am impressed with your success in improving retention, and both my colleagues have touched on a couple of those areas. You cited in your answers some of the key ingredients. I guess I want to be clear. What is most important in retention and what can we provide from Congress more of or in addition to or whatever, because I think we all agree that we want to see that as successful as possible.

Admiral CLARK. An incredibly important question. Two years ago you gave me the authority to establish a pilot program. We called it Assignment Incentive Pay, and now three of the four Services are using it. The Army just implemented it a few weeks ago, and it absolutely changed the whole dynamics about the way they are manning Korea, with an incentivized bonus for people that chose to stay.

It changes the whole tone of the institution. So what I would ask you is, please, because I have been successful in retention do not take away my ability to incentivize. My ability to incentivize comes out of the selected reenlistment bonus line. Because I have been successful, there is a tendency to go: Oh, well, they are not going to need as much of that. Please do not do that.

What we have tried to do is put the power of choice in place. This is a transformation issue, Mr. Chairman. The future is about a web site where young people are going to get on there and bid for jobs. Their resume is going to be there, and the executive officer of the ship or the aircraft squadron is going to look at it. The Bureau of Naval Personnel and what they do is changing in front of our eyes.

We have something called the slam rate. We said: Needs of the Navy, you are going. Our data is not great, but the numbers are about 33 percent. Last year my slam rate was 1.5 percent. We are effectively changing the environment.

So what I ask you to do is to support this kind of incentivized process that we can do in the construct of the current pay and allowances tables. Ultimately, we have to go after those. But that kind of capability allows me to manage my work force, understanding that all lieutenant O-3s over 6 years are not the same and that all E-5s over 8 years are not the same.

In order to compete, we have got to be able to differentiate between skill sets, and I need the help to do that.

Senator DAYTON. What help specifically, sir? Is the fund sufficient now? Do you have sufficient flexibility?

Admiral CLARK. Your willingness to allow us to pilot has been extraordinarily important. Now, I will tell you that in order for me to achieve the kind of efficiencies that I know that I can achieve in manpower accounts, I am going to have to have some tools that I do not have that would incentivize people to step aside.

Senator DAYTON. I just ask that you keep us informed and tell us.

Admiral CLARK. I would be happy to give you details of that in a written response if you would like.

[The information referred to follows:]

The Navy would like more flexibility and funding to shape our force as part of a broader 21st century Human Capital Strategy. While we have a number of statutory authorities to help us recruit and retain high quality personnel, we have limited means by which to stimulate voluntary separation among personnel in overmanned skill areas.

Retraining and converting personnel from overmanned skill areas to undermanned skills is our primary approach for retaining highly-trained personnel while simultaneously improving the balance of the force. In many cases, however, retraining and conversion is neither feasible nor cost-effective. Therefore, statutory authorities that incentivize voluntary separation would help shape our force while maintaining a positive tone that will not detract from recruiting and retaining highly-educated and top performing professionals.

We are currently evaluating proposals for force shaping authorities that would work with existing authorities and programs to give us maximum flexibility to adapt to emerging requirements. Our overarching plan would be to use new and expanded authorities such as a lump sum buyout, early separation lifetime annuity, a deferred annuity, expanded selective early retirement, reduction in high-year tenure gates for field grade officers, and non-monetary transition benefits. Funding for these proposals will be requested in forthcoming budget inputs.

Senator DAYTON. Thank you very much.

General, regarding the ballistic missile capability, your predecessors and the others involved in that project, I think, have been in a difficult position for the last couple years because the Commander in Chief—and I do not mean this personally; this would be the case with any Commander in Chief—having said that there shall be deployment by November 2004, everybody else is required to fall in line and to replicate that line.

On the other hand, we on this committee and Congress, we are tasked with making our own independent assessments of that system, and it is a very expensive one. I find it extremely difficult to get any clear answers from within the system team. We can, of course, get the evaluations and all the conflicting studies from outside.

You referenced the military utility assessment. When will that be undertaken or completed?

General CARTWRIGHT. The military utility assessment is something that—if confirmed, I would undertake—but is already ongoing.

ing. The tools that the Strategic Command has to conduct that are both internal to the command and with its components. In addition, they have the engineering level expertise that we use out of an organization called the Joint Theater and Air Missile Defense Organization (JTAMDO) which provides us the engineering level of insight to understand the pros, cons, and the risks associated with any decision we would make.

So, as is, the developmental and operational testing is iterative. At any given point, I would like to be able to reach in and say: Where am I today? If I am approaching a benchmark period driven by an event, the fielding of the capability, the testing, whatever it happens to be, what do I know, what are my confidence levels, where are my risk levels, and how would I articulate them and be able to bring them both to my leadership inside of the Strategic Command on up through the chain and obviously to this organization.

Senator DAYTON. I understand that you have a chain of command, but if you are asked directly by this committee would you provide that in clear and comprehensible English?

General CARTWRIGHT. I will do my best to be clear and comprehensible.

Senator DAYTON. As unequivocally as can be possible, because I think we are doing here—you mentioned the word “rudimentary,” and we recognize, given the way this is being undertaken, that that is a starting point. But it is just very difficult to find out, at least for me to find out, how rudimentary is rudimentary, and then where are we getting into the level of realistic testing, what kind of additional realistic testing needs to be undertaken, which seems to be taking a back seat now to deployment. So be it, that is the decision that has been made. But once deployed, I am not clear when the realistic testing is going to either be resumed or commenced, depending on how you define it.

I am an old hockey goalie and a 95-percent save rate was awfully good, better than I usually could achieve. That is not good enough in this realm. I could not tell the opposing players to please only shoot from outside the blue line and preferably let me know in advance when they are going to shoot and only when I am ready and clear and everything else.

So I mean, once you get into the kind of real world environment that I expect these would have to be functional and effective at a very high degree of almost perfect proficiency, that is a very different order from rudimentary. I do not know how we are planning and what the trajectory is in terms of time, expense, and procedures to get us to that point. But there is no point in having a system that is going to stay rudimentary, I think we would all agree.

So I would ask that you give us that as a progress report and give it to us straight. You would be the first to do so.

General CARTWRIGHT. I take that responsibility very seriously, and I will do that.

Senator DAYTON. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator.

Gentlemen, as I opened the hearing this morning I stated that the Senate, or those that sought the opportunity, were briefed with

regard to the heightened alert situation. I just want the record to reflect that each of you in your respective posts will heed that alert and see that those people and installations and equipment, ships, and the like under your command will be carefully given every protection possible.

Chief, you are aware of this, I am sure.

Admiral CLARK. Yes, sir, to be sure.

Chairman WARNER. Fine. As you take over your post, there is a degree of vulnerability there that has got to be established and taken care of.

General CARTWRIGHT. We will do that, sir.

Chairman WARNER. Are you aware of it also?

General CARTWRIGHT. Yes, sir.

Chairman WARNER. Thank you very much.

Admiral, the carrier strike forces are 12 in number and there are 12 expeditionary strike groups. Do you envision that that level will be continued throughout your projected additional 2 years as Chief of Naval Operations?

Admiral CLARK. The requirement is 12 today. I will tell you that I am in the process of trying set up a Sea Swap experiment for an expeditionary strike group to see if we could do something that large. If we could, it would affect my recommended investment profile and allow us to—I talked about the importance of speed—to transform to the next level of speed, especially in the Marine Corps set.

Maritime prepositioned forces of the future will be a totally new concept. It is not the maritime prepositioned ships (MPS) of old. They will have flattops in them, they will be built to surge Joint Strike Fighters (JSF) and V-22 forward, to give the marines much more striking power, to bring precision warfare to bear to support the Marine Corps structure. It is going to be markedly different.

If I could redirect resources by being able to Sea Swap expeditionary strike groups (ESG), we could start earlier on that, on that concept. But we have got to prove we can do that. So we are working toward that.

Now, if I could have just 30 more seconds. With regard to carriers, it is not just Sea Swapping them. It is how many total do you need for the fight, the same response to Senator Reed's question about the submarines: How many do you need for the fight? How long will it take to get them to the fight?

So those calculations might address the ESG. I see it less likely to affect the carrier structure, but that is all under analysis today.

Chairman WARNER. Is it within the realm of feasibility to do a Sea Swap with a carrier, given that there are anywhere from 5,000 to 6,000 personnel?

Admiral CLARK. It would be obviously much more difficult to do.

Chairman WARNER. Yes.

Lastly, Admiral, I think every time we have the opportunity, really the extraordinary opportunity, to have you before us, we are always concerned about the vulnerability of your ships, primarily at sea. The memory of the U.S.S. *Cole*. remains with us. What systems do you regard as creating the greatest threat to our ships? Surface-to-surface missiles, for example?

Admiral CLARK. Again, like Senator Reed's question, I said it would depend on the scenario. So let me describe a couple to you.

Chairman WARNER. The follow-on: How do you envision in the coming year that you personally will direct not only the operations of the Navy, but the technical breakthroughs as they come along, to apply them against this type of vulnerability? There is a constant evolution of things regarding the surface to surface missile.

Admiral CLARK. Thank you. The number one principle for the future and what the Navy has to be able to transform to: No longer can we be primarily a blue water Navy and conduct the global war on terrorism. We had two sailors and a coastguardsman recently killed when they were inspecting the dhow that was intending to destroy the oil platform. The economic impact of which would have been incredible, because I believe something like 60 percent of the oil flow out of Southern Iraq goes through that platform. So if Iraq is to restructure itself economically, this would be devastating.

So in days of old we took comfort. We put an airplane in the air and, oh, there is the grey ship with some numbers on the side, and it was easier. That is not what this war is about. We have to be able to do the deep blue water thing and we have to do the near-land warfare in the global war on terrorism, which is why I made the Littoral Combatant Ship (LCS) a priority to be able to deal with the near-land threat. You can look at nations that will take us on toe to toe, but that is much less likely than the asymmetric threat that faces us today and you were briefed on this morning.

So how do we take that on, and what does that threat look like? A major war against a state in the future, frankly, I think it would be very worthwhile for us to go to a closed session and have a discussion about where we see that going in the next 10 to 20 years. I would very much like to do that in closed session.

But in an open session, I want to say that the tools that they used on U.S.S. *Cole*, the tools that they used against the French ship *Linthal*, the tools that we saw them use against the oil platform, we must be able to defeat them and dominate that battle space. We are going to need more unmanned vehicles. We are going to need to be able to dominate that battle space in the shallows, so LCS has a shallow draft so that we can do that.

The same thing will go for nations that could bring a large number of submarines against us, the tools they would use, and then the missile threat. The specifics of that we need to discuss in a closed session. But the threat is growing, and we have to invest in capabilities to defeat it. In my testimony, I talked about the transition to CGX. It will follow on the DD(X) hull and take us to a future so that this Nation can go where it needs to go.

Chairman WARNER. That is very reassuring.

Thank you very much. We have had an excellent hearing. I wish you all well. I am confident we will act promptly on both nominations.

Admiral CLARK. Thank you very much, Mr. Chairman.

Chairman WARNER. We stand adjourned.

[Whereupon, at 11:28 a.m., the committee adjourned.]

[Prepared questions submitted to ADM Vernon E. Clark, USN, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously have answered the committee's policy questions on the reforms brought about by the Goldwater-Nichols Act in connection with your original nomination to be Chief of Naval Operations.

Has your view of the importance, implementation, and practice of these reforms changed since you testified before the committee at your most recent confirmation hearing on May 16, 2000?

Answer. Yes, my views have changed. I believe, more strongly than ever before, in the importance of this joint legislation. As I stated at the time of my first confirmation hearing, I believe that these reforms have helped to significantly improve the effectiveness of our joint warfighting forces. Our military is much more capable as a result of Goldwater-Nichols.

Question. Do you foresee the need for additional modifications of Goldwater-Nichols? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. No legislation, especially when it fundamentally changes institutions, can predict perfectly how reforms will be implemented. So, I believe the time has come to conduct a review of certain aspects of the act.

Most pressing is the need to review how acquisition is accomplished within the Department of Defense (DOD). We need to focus on how we can develop systems that are "born joint." Command and control systems, for example, is one area where we can do better. We are not making sufficient progress in leveraging the buying power of something as big as DOD. Among the greatest risks facing us is the spiraling cost of the procurement of modern military systems. Additionally, implementation of the act's provisions giving "sole responsibility" for acquisition to the Service Secretaries has effectively cut the Service Chiefs out of the acquisition process. The voice of the Service Chiefs in this process should be enhanced.

We have made great progress in developing joint perspectives. It is now time to examine joint educational requirements, joint billet structure and joint service credit to ensure we are best postured, from a statutory point of view, for the 21st century.

If confirmed, I am committed to working with the Secretary of Defense and with the Secretary of the Navy to continue to evaluate this law and make recommendations to improve our joint forces.

DUTIES

Question. What recommendations, if any, do you have for changes in the duties and functions of the Chief of Naval Operations, as set forth in title 10, United States Code, and in regulations of the Department of Defense and Department of the Navy pertaining to functions of the Chief of Naval Operations?

Answer. I am comfortable with the duties and functions of the Chief of Naval Operations (CNO) as delineated in the above regulations, and I recommend no changes.

RELATIONSHIPS

Question. Please identify any changes you have observed since your last confirmation in the relationships between the CNO and the following officials.

The Secretary of Defense

Answer. Secretary Rumsfeld has created an operating environment where there is significant senior executive exchange, the focus of which is the Senior Level Review Group (SLRG). This increased level of senior executive communication is generally oriented to broader DOD issues rather than those that are service-specific.

Secretary Rumsfeld is also deeply involved in the selection of future military leaders, and that has changed our interface as well as the process for nominating three and four-star officers.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary continues to function as the number two in the Department. In the post-September 11 environment especially, my exchanges with him have become more policy oriented and less program/budget focused. My primary interface is through the SLRG.

Question. The Under Secretaries of Defense and the Assistant Secretaries of Defense.

Answer. The advent of the SLRG has given the Under Secretaries of Defense and the Assistant Secretaries of Defense more opportunity to set the agenda. Their impact, and the breadth of their authority, has therefore increased.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The chairman's involvement with the Secretary of Defense, not just day-to-day, but hour-to-hour, has increased. While this is to be expected in time of war, it is also due to the chairman's focus becoming more and more operational in nature.

Question. The Combatant Commanders.

Answer. I see more interchange between the combatant commanders and the Service Chiefs. Combatant commander conferences, for example, now meet three times per year rather than twice in order to enhance our exchange and maintain the DOD-wide focus on transformation and the global war on terrorism.

Question. The Secretary of the Navy, the Under Secretary of the Navy and the Assistant Secretaries of the Navy

Answer. The relationship between the Secretary of the Navy and the Office of the Chief of Naval Operations (OPNAV) staff has changed markedly. The Secretary of the Navy significantly streamlined his own staff, and we have established a much more collaborative environment within the DON that has transformed the way work is accomplished. The assistant secretaries have direct access to my Deputy CNOs and their working relationships have changed for the better. My three-star flag officers now work more directly with the assistant secretaries and this has also enhanced staff coordination. These arrangements have created a vastly improved environment of teamwork and the Department functions much more effectively as a result. The under secretary position is not filled.

Question. The General Counsel of the Navy.

Answer. No change.

Question. The Commandant of the Marine Corps (CMC).

Answer. The commandant and I have created a Navy/Marine Corps Board of Directors, which functions at the three-star level, and we formalized additional structures to improve the interface between the services. We created a "Big Four" (CMC, CNO, Vice CNO (VCNO), and Assistant CMC (ACMC)) and a "Big 12" (Big Four plus other key three-star officers) which now provide a framework for senior level interface that never existed before. In addition, there are now Marine Corps general officers in virtually every corporate-level meeting that I conduct, including all of my budget and program meetings. While we remain two Services, the cooperation is greater than I've ever known it to be. This has led to a new level of co-development and is what the Nation deserves. The Marine Corps is our number one joint partner and we are seeking to run the headquarters in a way that proves it.

The Secretary of the Navy, the Commandant of the Marine Corps, and I have a tremendous partnership as we work together to revolutionize the warfighting capability of the Navy-Marine Corps team.

Question. The Chiefs of Staff of the other Services.

Answer. The Service Chiefs are now individually and collectively pursuing joint solutions more aggressively. Our focus is more on joint program development and less on current operations in formal settings like the SLRG and the Tank, in bilateral service warfighter talks, and in acquisition. This is the most joint group of Chiefs we have had to date, and this progression to more "jointness" should be expected as we grow officers who have been "born joint" at junior levels.

If confirmed, I look forward to continuing to foster the same strong relationships with leadership across the Department of Defense.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that you would confront if confirmed for a second term of office as CNO?

Answer. The major challenges that I would face if confirmed for a second term are those that I have testified to this year, specifically:

- Winning the ongoing battle to attract, develop, and retain the most talented men and women that our Nation has to offer.
- Delivering the right readiness at the right cost to support the Nation's warfighting needs.
- Solving the investment challenge to create the future capabilities and the vision outlined in Sea Power 21 to recapitalize and transform our force and improve its ability to operate as an effective component of our joint warfighting team.
- Creating, formalizing, and executing ideas that will improve our productivity and reduce our overhead costs.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, the first item on my agenda will be the development of a Human Capital Strategy that makes sense for the Navy of the 21st century. As I

testified earlier this year, we will continue to pursue the kinds of new technologies and competitive personnel policies that will streamline both combat and non-combat personnel positions, improve the two-way integration of active and Reserve missions, and reduce the Navy's total manpower structure. We have proposed a fiscal year 2005 Navy end strength reduction of 7,900 personnel, and I believe that that is just the beginning. Your Navy is fundamentally different from the other services in that the combat power of fleet units is not directly proportional to the size of the crew. It will be even less so in the future as we integrate new technologies and implement transformational concepts of operation. In short, we expect to be a better educated and trained, but smaller workforce in the future. Getting there will likely require changes in the way we recruit, assess, train and manage that workforce. It will, therefore, also require some flexible authorities and incentive tools to shape career paths and our skills mix in a way that lets us compete for the right talent in a competitive marketplace.

On the issue of readiness, with the help of Congress we now have the most combat-ready fleet that I've seen in my career. Our people are superbly trained and well provisioned. They are ready for combat operations earlier in their training and maintenance cycle and they remain so for a longer period of time. This has been made possible by the ongoing transformation of training and maintenance concepts. If confirmed, my challenge will be to continue to refine our understanding of the collective contributions of all the components of readiness, to accurately define the requirements, and to align the proper funding and provide a balanced investment to the right accounts. To that end, we will continue to advance the Integrated Readiness Capability Assessment (IRCA) process that I testified to this year.

I also intend to pursue a broad analytical agenda in order to maximize our understanding of the data and assumptions that are the foundation of our campaign analysis and budget request formulation. As part of that work, we have already invested in improvements to our modeling and simulation capabilities, and we have modified our analytical processes to reduce the number of overlapping data reviews.

Sea Power 21 defines the capabilities and processes that the 21st century Navy will deliver. My objectives in recapitalization and transformation of the Navy and its infrastructure to achieve this vision have not changed since my appearance before this committee on 10 February 2004. If confirmed, I intend to continue our pursuit of distributed and networked solutions that could revolutionize our capability. We will focus in particular on the power of Sea Basing and our complementary capability and alignment with our number one joint partner, the United States Marine Corps. We will also continue our Sea Enterprise efforts to revolutionize the way in which our defense dollars are spent. We are committed to efficiency and productivity improvements that will generate the savings necessary to augment our investment stream and implement our Sea Power 21 vision.

TRANSFORMATION

Question. If confirmed, you would continue to play an important role in the process of transforming the Navy to meet new and emerging threats.

With the benefit of almost 4 years in office, please discuss the progress that the Navy has made in achieving its transformation objectives.

Answer. When I became CNO, I established my "Top 5 Priorities"—Manpower, Current Readiness, Future Readiness, Quality of Service, and Alignment. In 2000, we were facing challenges and opportunities in each of these critical areas. We needed to recruit and retain the highly skilled, professional workforce of the future. We needed to invest in current readiness so our Navy would be able to project decisive power around the world, around the clock. We needed a vision to guide us in the 21st century. We needed to continue to take care of our sailors and their families and provide a quality of work worthy of their important service. We needed to ensure that our organizations, systems, and processes were aligned to deliver exactly what they were designed to produce—a combat-capable Navy, ready to sail into harm's way.

The following is a breakdown of our significant accomplishments in each of those areas:

I. Manpower. This is, and will remain, our Navy's biggest challenge. As I have written elsewhere in this document, we are in the process of developing a Human Capital Strategy that makes sense for the 21st century. We would not be in a position to do that today had we not first tackled the fundamentals of winning the battle for people: recruiting the right people, raising retention and attacking attrition. We have built a mentoring culture, emphasized our commitment to diversity, and piloted personnel programs to capitalize on the revolution we have inspired in train-

ing and detailing. In short, we now have the highest quality workforce the Navy has ever seen.

- **Recruiting.** We have consistently met or exceeded our recruiting goals since 2000. In fact, I have approved a reduction of 17,000 people in our recruiting goals since I have been CNO, and I'm not convinced that we've reduced enough. The reason is we are now retaining 62 percent of sailors with less than 6 years of service. This, in turn, has allowed us to seek out higher quality recruits than ever before. Nearly 15 percent of our current recruits, for example, now have some college experience, up by more than 300 percent since fiscal year 2000. More than 95 percent of new recruits have high school diplomas, up from 90 percent in fiscal year 2001. Minority officer applications increased by 27 percent while minority Seaman to Admiral-21 applications increased by 15 percent.
- **Retention.** We have experienced extraordinary retention in our Navy fostered by a new culture of choice and a focus on professional development for our sailors. This new culture has led to the highest retention in our history and this fact has resulted in what I like to call a virtuous cycle in manpower. We are not only able to be more selective in recruiting, but we are also able to establish the kind of competitive environment for reenlistment and detailing that we need to change the shape of the force, developing a more educated and experienced group of professionals to lead and manage our high-tech Navy. To that end, we have grown the percentage of E-4s through E-9s (Top 6) to 73.25 through the fiscal year 2005 budget submission, moving well toward our goal of 75.5 percent by fiscal year 2007. Sailors in many ratings have been given new opportunities to compete and grow in our institution through adjusted Navy Enlisted Classification (NEC)-targeted Sailor Reenlistment Bonuses and the Perform To Serve program. We have also piloted choice in assignments with a new geographic incentive pay pilot program. Sailors are now able to compete for select jobs in duty stations across the globe.
- **Attrition.** Since fiscal year 2000, we have reduced attrition by 33 percent. Our losses due to illegal drug use are also down, while we increased drug testing by 12 percent.

II. **Current Readiness.** As I said in my confirmation hearing 4 years ago, I believe that we have a responsibility to you in Congress and to the taxpayers to ensure that the Navy the Nation has already bought is properly provided for. That is at the root of why we have invested billions of dollars in training, maintenance, spare parts, ordnance, flying hours, and steaming days so that the current force is prepared on a day-to-day basis to deliver persistent combat power whenever and wherever it is needed. The fleet has answered the call by producing the best readiness levels I've seen in my career, and the combat-ready response of more than half the Navy to recent operations worldwide has provided ample demonstration of that fact.

- **Surged combat excellence to Operation Iraqi Freedom.** Seven aircraft carriers and nine big deck amphibious ships were among the 164 U.S. Navy ships to deploy worldwide in support of Operation Iraqi Freedom. Along with our number one joint partner, the United States Marine Corps, we put more than 60,000 combat-ready marines ashore in Kuwait in 30 days. The Military Sealift Command sailed and chartered more than 210 ships and moved more than 32 million square feet of combat cargo and more than 1 billion gallons of fuel, or 94 percent of the Nation's joint and combined capability to the fight.
- **Implemented a new Global Concept of Operations.** To enhance our Navy's ability to respond to crises whenever and wherever needed, we have implemented a Global Concept of Operations that increases both the number and capabilities of naval assets that are forward deployed throughout the world. This new operating concept delivers a sustainable global reach to influence current events through the sovereign presence of our naval forces.
- **Developed the Fleet Response Plan (FRP).** The Fleet Response Plan is a revolutionary new approach to Operational availability for our Navy and greatly enhances the ability to surge naval forces if required by the President. The FRP and the supporting Integrated Readiness Capability Assessment (IRCA) will enable us to surge 50 percent more combat power on short notice to deal with future global contingencies.
- **Sustained the war against terrorists.** We expanded our littoral warfare capabilities by realigning our Naval Coastal Warfare forces, establishing Mobile Security Force detachments, adding an Explosive Ordnance Disposal unit to U.S. Naval Forces Central Command and accelerating the planning for two new SEAL teams.
- **Created Expeditionary Strike Groups.** We enhanced our strike capability with creation of Expeditionary Strike Groups (ESG). The ESG combines the combat

power of the Marine Expeditionary Unit with the strike and Air Combat capabilities of Cruiser and Destroyer escorts to create a transformational capability in littoral warfare.

- Improved organizational, intermediate, and depot maintenance for our ships, submarines and aircraft. Innovative programs like Shipmain and the Naval Aviation Readiness Integrated Improvement Program helped develop and share best practices, streamline maintenance planning and improved performance goals in shipyards, depots and other maintenance facilities.
- Aligned our homeland security organization and improved our force protection procedures. We established Commander, U.S. Naval Forces, Northern Command, activated the Atlantic and Pacific Shipping Control Centers, and created the Naval Air Station North Island Anti-Terrorism/Force Protection (AT/FP) test bed under the Commander, Navy Region Southwest, to exploit technology and move new AT/FP capabilities into the Navy.

III. Future Readiness. At the Naval War College in June 2002, I introduced our vision of tomorrow's Navy, Sea Power 21, and this vision committed us to change. It began the process of translating theory into practice for a wide range of advanced concepts and technologies that will dramatically increase the combat effectiveness of the joint force. While we must continue to challenge our assumptions, I believe that recent operations around the world indicate that we are on the right vector.

- Sea Strike. We introduced capabilities that extended our reach and precision, providing joint force commanders with a potent mix of weapons. For the first time, we deployed F/A-18E/F Super Hornet squadrons, providing greatly enhanced range, payload, and refueling capability to forces in Operation Iraqi Freedom (OIF). The Shared Reconnaissance Pod, the Advanced Targeting Forward-Looking Infrared, the Joint Helmet Mounted Cueing System, and the Multi-Functional Information Distribution System arrived in the fleet and showed us the power of these new knowledge dominance technologies. We began the conversion of the first of four Trident Nuclear-Powered Ballistic Missile Submarines into the Nuclear-Powered Cruise Missile Attack Submarine conventional strike and Special Operations Forces platform.
- Sea Shield. During Operation Iraqi Freedom, the Navy helped extend the defensive umbrella over joint forces ashore. U.S.S. *Higgins* (DDG 76) provided early warning and tracking to help U.S. Army Patriot batteries defend Kuwait and southern Iraq from the threat of theater ballistic missiles. Also, U.S.S. *Lake Erie* (CG 70) and U.S.S. *Russell* (DDG 59) combined to acquire, track and hit a ballistic test target missile in space with an SM-3 developmental missile in support of the Ballistic Missile Defense program. These missile tests are contributing to an initial Ballistic Missile Defense capability that will become part of our Navy's ability to respond to emerging threats. We have formed Task Force antisubmarine warfare (ASW) to study improvements in ASW readiness, enhance our capability, and ensure access for joint forces moving from the sea to objectives inland. Task Force Hip Pocket demonstrated dramatically improved close-in defensive systems for surface ships in the near-littoral environment.
- Sea Basing. We awarded three preliminary design contracts for the Littoral Combat Ship (LCS), leading to the construction of the first LCS in fiscal year 2005. We selected the baseline design for the DD(X) multi-mission destroyer, launched *San Antonio* (LPD 17) and *Virginia* (SSN 774) and began fabrication of *Makin Island* (LHD 8). The Defense Science Board study on Sea Basing, our Joint Forcible Entry study and the Maritime Prepositioning Force (Future) Analysis of Alternatives now nearing completion are all beginning to provide the information needed to define future sea based expeditionary operations. As our Sea Basing concept continues to unfold, we will develop a more detailed view of LHA(R) and Maritime Prepositioning Force (Future) which will shape our next budget submission in these areas.
- FORCEnet. FORCEnet is the connection between our initiatives to integrate the power of warriors, sensors, weapons, and platforms into a networked combat force. For the first time, we have created a single organization to establish an enterprise-wide architecture that puts in place standards for both infrastructure management and the networking of combat systems. We have also enhanced joint and coalition interoperability on all of our deploying ships through installation of combined enterprise regional information exchange (CENTRIX) and combined operations wide area network (COWAN) nets. We also partnered with the U.S. Army to develop a joint, ISR airborne replacement for the aging EP-3.

- **Sea Trial.** Sea Trial streamlined and formalized our experimentation process and is up and running with the Fleet in charge. Sea Trial is already providing us with valuable insights into future tactics and technology. As an example, two high-speed, wave-piercing catamarans (HSVs) were employed as part of a joint-service experiment. HSV X1, known as Joint Venture, conducted operations this past year in support of mine warfare and special operations during Operation Iraqi Freedom. HSV 2, known as SWIFT, is conducting experimentation in support of Sea Power 21 concept development. These ships are an experimental bridge to the LCS and their tests will help mitigate the risk of the LCS program while further enhancing our understanding of the near-land domain.
- **Sea Enterprise.** As we pursue efficiencies and overall effectiveness, we are running the business end of the Navy to redirect resources towards creation of tomorrow's Navy. We have focused headquarters leadership on outputs and execution and we are creating ideas that will improve our productivity and reduce our overhead costs. The Sea Enterprise Board of Directors established an enterprise-wide approach to transformation, validating \$38 billion in savings across the fiscal year 2004 future years defense plan and identifying \$12 billion in new initiatives to help us recapitalize and transform the force.

IV. **Quality of Service.** Quality of Service is a balanced combination of quality of life and quality of work. Our goal and commitment is a Navy that provides good quality of life and work for our sailors and their families. We will continue to fund technologies and develop programs that enable our people to do their jobs more effectively.

- **Continuing investment in our sailors.** Sailors are the core resource of the Navy and we compete with industry to retain them. Investing in Quality of Service is critical in this effort. Congressional commitment to redress pay imbalances relative to the civilian sector have allowed competitive base-pay raises and the completion of the DOD goal to eliminate out-of-pocket expenses for housing (by fiscal year 2005). Additionally, we have funded achievement of Homeport Ashore, moving all single sea-duty sailors to bachelor quarters by fiscal year 2008.
- **Family focused programs.** Quality of Service has also been enhanced for the families of our sailors. We have improved family housing and remain on track to eliminate inadequate family housing units by fiscal year 2007. Family medical care benefits have been enhanced through the initiation of TRICARE for Life, ensuring superb medical care for qualified families after their military service. Finally, traditional difficulties with military service have been mitigated through partnerships with private industry to provide mobile career opportunities and enhance the Spouse Employment Assistance Program.
- **Accelerating the Revolution in Training and Education.** Training and education for our sailors are a critical component of their quality of service and we have created a developmental system to accelerate the implementation of training and education improvements that has become a model for DOD. These programs seek to create the workforce for the 21st century and to ensure the right skills, in the right place, at the right time. Education opportunities have also been enhanced through the Navy College Program, including partnerships with civilian colleges, to provide rating-related associate and bachelor degrees via distance learning.

V. **Alignment.** At its most fundamental level, alignment within our Navy is about two things. First, it ensures that organizations, systems, and processes are constructed to effectively and efficiently produce a combat-ready fleet geared to fight as part of the joint force. Alignment is also about effective communication, ensuring that we share a common understanding of the mission and objectives, and that we speak one message with many voices across the entire organization. Over the last 4 years, we have launched numerous initiatives aimed at increasing the alignment of our organization.

- **Reorganized the Office of Chief of Naval Operations (OPNAV) staff.** We established the Deputy CNO for Warfare Requirements and Programs (N6/N7), thereby significantly enhancing the integration of platform and network requirements, and resource planning and programming. We refocused the mission of the Deputy CNO for Fleet Readiness and Logistics.
- **Reorganized the Fleet.** We created the Commander, Fleet Forces Command (CFFC) to integrate policies and requirements for manning, equipping, and training all fleet units. We created Fleet Type Commanders to lead their communities with one voice, from the waterfront. We established the Naval Network Warfare Command as a single organization responsible for network, space and information operations. We organized the Naval Construction Battalions

into a single division. We also established the Commander, Navy Education and Training Command to serve as the Chief Learning Officer for the Navy and to be the single authority for individual training (officer and enlisted) strategy and policy. We aligned the Navy Warfare Development Command and warfare centers of excellence under CFFC to stimulate concept development and technology insertion to the fleet. We established the Commander, Navy Installations Command (CNI) to better guide the operations, administration and support for Navy installations worldwide while reducing infrastructure management layers.

- Improved our alignment for joint warfare. We joined with the Marine Corps to integrate USN-USMC logistics functions, capabilities, and processes, and we implemented the Navy-Marine Corps Tactical Air integration plan. We also issued the Transformation Roadmap to specify the capabilities required to increase joint warfighting effectiveness. We invested in the U.S. Coast Guard's Deepwater Integrated Systems Program, new munitions development with the U.S. Air Force, and joint experiments with the U.S. Army on high-speed vessels.

Question. What are your goals regarding transformation in the future?

Answer. My beliefs about the future boil down to this: success in the world that we are moving toward will demand two attributes above all others—speed and agility. This is true regardless of whether we're talking about combat or the size and adaptability of our industrial base. It is the demand for speed and agility that drives much of our thinking about the following transformation goals:

- Develop new concepts of operation and the systems that support them. We have to get to the fight faster and we have to seize and retain the initiative once there. That means increasing the operational availability of our forces by continuing to refine and test the Fleet Response Plan and its associated training and maintenance processes. That means studying our base structure to ensure that we are in a position to win. It also means that we have to do what we can to lighten the load of joint forces going ashore and reduce our ground footprint. To that end, we must more fully develop the operational concepts and tools required for seabasing, pervasive awareness in the battlespace and the delivery of precision, seabased fires to support forces ashore. Some of those tools include the Littoral Combat Ship and modular combat systems, Aerial Common Sensor (ACS), an all-electric drive DD(X) and the continuing development of the electromagnetic rail gun, joint strike fighter, organic mine warfare, unmanned air/surface/subsurface vehicles, air and ballistic missile defense, and stealth in our ships and aircraft.
- Leverage potential changes in the Maritime Prepositioning Force (Future). Minimizing dependence on foreign bases and the need to establish a beachhead for projection of power ashore, we will use the maneuver space of the sea to usher in dramatic new ways of employing joint forces to deter conflict, wage war and restore stability. In that regard, the Commandant of the Marine Corps and I have initiated an analysis of alternatives to determine how best to leverage potential changes in the Maritime Prepositioning Force (Future) in order to generate a more responsive amphibious capability; one that will deliver combat power faster and with more lethality.
- Enhance interdependence with our joint partners. Speed and agility apply as well to the way in which we run the business of putting combat power to sea. In that vein, we have initiated efforts to achieve true integration, even interdependence with our joint partners. We have initiated a Spiral Development process to increase return on our initial investments and to reduce the risks associated with technological advancements. We need to look hard at right sizing the industrial base to build the military capability we need for the right kind of fast and agile Navy of the future.
- Ensure our ability to operate in all elements of the unique maritime domain. It has become increasingly clear that we must have a Navy that can operate in two very different strategic environments; we must maintain our readiness to win decisively against an enemy at sea, but we must also be able to operate effectively in the littoral environment required by the global war on terrorism. Transformational technologies such as the Littoral Combat Ship and Unmanned Vehicles, among many others, will employ spiral development techniques for future and evolving technologies that will ensure our ability to operate in all elements of the unique maritime domain.
- Refine our infrastructure requirements and level of manning. As we evolve our concepts for employment of forces, this will allow refinement of our infrastructure requirements to include the appropriate number of ships, aircraft and submarines. We will continue to refine concepts such as Sea-Swap, and we will continue to experiment with multiple crews for various platforms to not only de-

fine how many assets are required, but how much structure is needed to create and sustain them and what level of manning is required.

In sum, if confirmed, my goals for transformation would be to expand upon our asymmetric advantages, speeding our process of innovation and driving the co-evolution of concepts, technologies, and doctrine.

FLEET RESPONSE PLAN

Fleet Response Plan (FRP) has been implemented to provide a surge capability to provide "presence with a purpose." There have been some reports that indicate dissatisfaction with the unpredictability of the new deployment schedules.

What strengths and weaknesses have you perceived to date with the implementation of the FRP?

Answer. FRP formalizes a surge capability we have always had, and streamlines our maintenance and training processes in order to enable progressive readiness in the fleet. The principal strength of the FRP is that it will allow us to surge 50 percent more combat power on short notice whenever the Nation needs our naval forces to arrive with overpowering force. This is being accomplished largely within resources already planned, with no increase in tempo of operations/personnel tempo. While the timing and sequence of underway time may shift, the total amount of underway time is not increasing. The end result is that we derive significantly more return on the Nation's investment in naval forces.

FRP also attempts to maintain the readiness state of naval forces at a higher level throughout the course of the employment cycle, thus increasing the operational availability of the force. To do this, we have fundamentally reconfigured our employment policy, fleet maintenance, deployment preparations and fleet manning policies to expand the operational availability of non-deployed fleet units. We have shifted the readiness cycle from one centered solely on the next-scheduled-deployment to one focused on returning ships to the right level of readiness for both surge and deployed operations. In short, we have been seeking to instill a "culture of readiness" throughout the Fleet so that our adversaries can no longer count on our predictability in how and when our forces will be employed. This added flexibility and adaptability is an important part of confronting new threats and giving the President options as we prosecute the global war on terrorism.

FRP is in its first full year of execution and, while we are working to identify areas of the plan that require refinement, no noteworthy weaknesses have been identified to date. "Summer Pulse 04" is the first exercise of FRP, and will culminate in simultaneous deployment of seven carrier strike groups operating in five theaters with other U.S., allied and coalition military forces.

Question. Are there sufficient assets to support the "6 plus 2" surge of Carrier Strike Groups, particularly since there are only 10 active airwings to deploy on the 12 aircraft carriers?

Answer. The FRP 27-month employment cycle allows us to sustain eight Carrier Strike Groups in 'surge ready' status. For a number of years, we have operated with 12 aircraft carriers and 10 airwings. Type Wing Commanders prudently schedule airwing aircraft depot-level maintenance periods prior to and during their Inter Deployment Readiness Cycle to ensure adequate assets are available for training and deployment. Nominally, two aircraft carriers are in extended maintenance periods at any time. By rotating airwings to available aircraft carriers the "6 plus 2" commitment is met.

Question. After a surge, do you feel there is sufficient maintenance and repair capability in the public and private sector to quickly reconstitute the force?

Answer. During OIF, we surged seven Carrier Battle Groups, four Amphibious Readiness Groups, and two Amphibious Task Forces; more than half the fleet. That force was reconstituted using both public and private ship depot repair facilities. All the ships that participated in OIF have been reconstituted and are back in their notional maintenance schedule. Should another surge be ordered, there is sufficient repair capability and capacity to reconstitute the fleet and reestablish notional maintenance rotations.

Question. How does "presence with a purpose" differ from other concepts such as "virtual presence"?

Answer. "Virtual presence" refers to the fact that some military assets of the United States need not be deployed to a theater of operations in order to be employed for combat. In theory, therefore, these assets are always virtually present in the minds of friends and potential enemies alike. That said, "virtual presence" is actual absence, and absent forces cannot engage with allies or demonstrate commitment in peacetime, nor can they generate persistent combat power and operational

agility in war. The "virtual presence" of strategic weapons and space-based assets is complementary with, not a substitute for forces deployed overseas.

"Presence with a purpose" is a term that I've used to describe moving beyond rigid 6-month, heel-to-toe rotational deployments based on the calendar rather than on the accomplishment of specific missions. It is the surge capability provided by the FRP that makes possible this reexamination of the definition of global presence. It's about capitalizing on the tremendous investments that we've made in training and maintenance, building a culture of readiness, and generating the responsiveness of our forces required for victory in a new era where time is the friend of our enemy. Then it is about maximizing the effect of our presence, both in real-world operations and in exercises. I believe that to win quickly and at minimum cost, we must arrive early and with the right set of capabilities. "Presence with a purpose" helps us to do that.

VISION FOR THE FUTURE

Question. In your Sea Power 21 vision for the Navy, you have put forward a notional force structure that you have publicly stated would translate into a requirement for approximately 375 ships. Yet recent documentation from the Defense Department endorsed a shipbuilding rate that would maintain, at most, a 300 ship Navy. In the past, Navy officials have been consistent in testimony that "quantity has a quality all its own." Additionally, you have been quoted in the papers as indicating that the 375 ship number may not be that important.

Has anything changed that would alter your previous stated requirement for approximately 375 ships?

Answer. We are continuously studying and updating the analysis that supports this number. Like all analysis, that which supports a Navy of approximately 375 ships is based upon assumptions about technology and about how we use technology to generate warfighting capabilities. For example, our estimates of the range, payload and sensor envelope for future unmanned vehicles will generate a notional number needed to develop some percentage of sensor coverage over a given area. In turn, the number of unmanned vehicles that can be carried, launched and/or controlled by a single ship may vary depending upon radio frequency band and bandwidth requirements, operator requirements and the physical capacity of the ship itself. From this example, it's easy to see that a small change in any one of these variables will have an impact on the outcome of the total ship number analysis.

Add to that new operating concepts like Sea Swap, with which we are experimenting now, and the variables in the analysis may change again. Sea Swap has the potential to increase the operational availability of our platforms for forward presence and for surge operations without extending the deployments of our sailors. This could also modify our investment approach.

We will continue to assess the impact of new technology and new operating concepts as we work to transform our Navy. Now and in the future the challenge will be to balance risk and an affordable fleet on the one hand with the global defense needs of the Nation on the other. If new analysis supports a different number of ships, then you will hear it from me first.

Question. Do you still envision a force of 12 Carrier Strike Groups and 12 Expeditionary Strike Groups?

Answer. Yes, but as I discussed above, new technology and new concepts of operation may change our analysis of what is needed.

Question. What effect have current operations had on your vision?

Answer. Operations Enduring Freedom and OIF were the most joint operations in our history and they have provided the best possible opportunity to dissect, study and analyze some of the limiting factors and effects of how we fight. While we recognize that we must continue to challenge all of our assumptions in a variety of scenarios, our lessons learned indicate that the capabilities-based investment strategies, new war fighting concepts, and enabling technologies we are pursuing in our Sea Power 21 vision are on the right vector.

These operations proved—more than anything else—the value of the combat readiness in which the Nation has invested, and the importance we must place on improving the fleet's ability to respond and surge with decisive, persistent combat power. They demonstrated the importance of the latest technology in surveillance, command and control, and persistent attack. Sensors and precision weaponry are changing everything we know about the balance between firepower and maneuver in a battlespace defined increasingly by time and information rather than distance and geography. In this environment, time critical targets will increasingly be the norm rather than the exception, and the speed of action will demand that we deal more effectively with the doctrinal problems associated with fratricide. Our oper-

ations over the last few years have also highlighted once again that over-flight and basing overseas are not guaranteed; our dominance of the maritime domain and our consequent ability to quickly deliver an agile combat force is a priceless advantage for our Nation.

ATTACK SUBMARINE FORCE LEVELS

Question. The most recent official statement of requirements for attack submarine force levels was a study by the Joint Chiefs of Staff in fiscal year 1999. That study indicated that the minimum requirement for attack submarines is 55 boats, and that in the future the Navy would need to have between 68 and 72 boats. A substantial portion of these numbers of boats were deemed necessary to meet various intelligence, surveillance, and reconnaissance requirements. There have been recent press reports that the Navy is considering reducing the force structure of attack submarines to fewer than 40 boats, a significant reduction from any of these levels.

What are the considerations that might permit the Navy to conclude that a number of attack submarines substantially smaller than 55 would be sufficient to meet the requirements of the combatant commanders and other intelligence, surveillance, and reconnaissance needs?

Answer. The reported studies recently alluded to in the press are Navy internal efforts that are continuously conducted. No definitive submarine force structure has been determined. Navy, Joint Chiefs of Staff (JCS), and Office of the Secretary of Defense (OSD) are conducting a submarine force structure assessment that will conclude later this year.

In considering whether the minimum attack submarine force-level requirement of 55 should be reduced, it is important for studies and analyses to evaluate the range of options and potential performance versus the risk associated with those options and the trade-offs between competing platform investments. We have a responsibility to balance all of our warfighting investments to deliver the full range of naval capabilities. Over the past 4 years, we have made tough decisions to reduce the total number of surface combatants and tactical aircraft based on this kind of analysis. Submarines are, and will continue to be, part of the calculus in determining how best to deliver the capabilities the Nation requires of its Navy.

A thorough analysis of the required number of submarines should consider the potential duration of future conflicts and subsequent threat draw down rates, the value of precursor actions and distributed sensors, possible changes in threat numbers and capabilities, changes in the environment or theater of operations, changes in strategy and tactics, inherent differences in capabilities of platforms, forward basing and optional crew rotation versus supportable infrastructure, political climate, and vulnerability of the forward basing to weather, threat of attack and other variables.

JOINT FORCES COMMAND

Question. In your view, what is the appropriate role of the Joint Forces Command?

Answer. As the Department of Defense Executive Agent for Joint Experimentation, Joint Forces Command is responsible to the Chairman of the JCS for creating and refining future warfighting concepts and integrating service efforts in support of the Joint Vision. They coordinate and collaborate with the Joint Staff, Services, combatant commanders, and various defense agencies to ensure concept development and experimentation is conducted in a common joint context to support the Secretary of Defense Transformation Planning Guidance and CJCS Joint Vision Implementation Plan.

Question. What role should Joint Forces Command play in experimentation, acquisition, and exercise planning and execution?

Answer. Joint Forces Command (JFCOM) coordinates with the services to integrate experimentation as well as joint concept and prototype development. They should continue to develop and define the joint context for experimentation and their Joint Experimentation Campaign Plan. This will help synchronize experimentation and assessment events to refine joint concepts and doctrine, organization, training, material, leadership, personnel, and facilities to realize desired joint capabilities.

Through continued co-sponsorship of service war games and collective assessment of these games and other events such as exercises, studies, Advanced Technology Demonstrations and real-world operations, JFCOM will provide a cohesive joint operational concept development environment. At the same time, they should ensure each event supports individual Service objectives as well as broader Department of Defense transformation goals.

JFCOM's role in the acquisition process should remain to inform the Joint Capabilities Integration and Development System (JCIDS) process through findings from the conduct of joint experimentation. The identification and development of transformational warfighting capabilities through experimentation events that reveal potential material solutions should be forwarded to the Joint Requirements Oversight Council (JROC) for consideration and implementation in the JCIDS analysis process.

UNITED STATES NAVAL ACADEMY

Question. In the National Defense Authorization Act for Fiscal Year 2003, increases of 100 per year in the end strength of the U.S. Naval Academy were authorized up to a limit of 4,400, however, the Navy has indicated that it does not intend to increase the size of the Brigade of Midshipmen to 4,400.

What is your view of the optimal size of the Brigade of Midshipmen?

Question. Due to exceptional officer retention and current plans to decrease end strength in fiscal year 2005, I have given guidance to target 4,150 students in fiscal year 2005. The optimal size of the brigade varies from year to year and is dependent on a number of factors including retention levels, fleet billet requirements, and overall end strength goals.

Question. Do you support increasing the number of midshipmen to 4,400 and, if not, why not?

Answer. I support authorization to have up to 4,400 students at the U.S. Naval Academy and request continuing authorization to operate up to the 4,400 student level. The number of students however is adjusted year by year in accordance with the dynamics of our overall accession requirements and our end strength goals.

Question. For several years, the Naval Academy has included in its faculty Permanent Military Professors, career officers who instruct at the Academy until mandatory retirement.

What is your view of the appropriate number of Permanent Military Professors at the Naval Academy?

Answer. Permanent Military Professors are of great value to the U.S. Naval Academy. We agree with the pending legislative proposal to increase the number of Permanent Military Professors (PMPs) to 50 and to exempt these officers from grade control and strength limits. This has been a recurring recommendation of the Board of Visitors. These officers typically fill technical disciplines while pursuing doctoral studies in a related area (e.g., physics, electrical engineering, and weapons systems development).

Question. If you believe more are needed, what is the Navy's time line for providing additional Permanent Military Professors?

Answer. If legislation is approved, we would seek support up to 50 PMPs at the Naval Academy in fiscal year 2005.

NAVY END STRENGTH

Question. The Navy's proposed budget for fiscal year 2005 includes reductions of 7,500 personnel in the active duty ranks and 2,500 in the Naval Reserve. You have stated that your goal is to reduce the Navy's Active-Duty Force to 350,000 sailors from the current authorized level of 373,800.

What is the justification for these reductions in active duty and Naval Reserve Forces?

Answer. Our end strength goals are part of a long-term plan to maximize the capability of our people while minimizing the total number in the manpower account. As I testified to earlier this year, I believe that retaining manpower we do not truly need limits the potential of our people. I also believe that it severely limits the investments needed to transform our combat capability for the future, an area in which we have underinvested by \$90 to \$100 billion in the decade of the 1990s. Add to that the fact that my buying power has decreased with each passing year, and the conclusion that we must become more effective and efficient with the resources provided us is inescapable. This is why, if confirmed, the first item on my agenda will be the development of a Human Capital Strategy that makes sense for the 21st century Navy.

We must come to grips with the fact that we will need to compete in the all-volunteer marketplace for bright, talented and ambitious Americans to operate the ever more technologically complex Navy of tomorrow. Our workforce as a whole must be better trained in high-tech skills and more educated to use those skills wisely. These sophisticated young people are in demand, and we will have to pay them enough to be competitive with other employers and to reward them for their increasingly critical contribution to the defense of our Nation. We must also be able to offer them

the kind of job content that will appeal to their sense of accomplishment and satisfaction.

Achieving a viable human capital strategy will not be possible unless we attack the problems inherent in our current manpower approach, which I believe is an unaffordable outgrowth of a conscription reality that no longer exists. The total costs of manpower have increased 40 percent since I have been CNO. A change in course for the workforce will be driven by our changing the nature of the work, and by changing the way in which we access, develop, and retain these marvelous Americans. We have a lot of work to do here, and we have begun to address this challenge by introducing new technology and new processes to the fleet and to our shore facilities, such as Optimal Manning and the establishment of the Navy Installations Command, that reduce manpower needs.

Our analysis indicates that based on technology insertion and innovation, we can potentially reduce our manpower structure to nearly 350,000, and we will continue to study if additional reductions would be practical or desirable.

PREVENTION AND RESPONSE TO SEXUAL ASSAULTS

Question. On February 25, 2004, the Senate Armed Services Committee Subcommittee on Personnel conducted a hearing on policies and programs of the Department of Defense for preventing and responding to incidents of sexual assault in the Armed Services at which a "zero tolerance" standard was endorsed by the service vice chiefs. In late April 2004, the DOD Task Force on Care for Victims of Sexual Assault issued its report and recommendations, noting "If the Department of Defense is to provide a responsive system to address sexual assault, it must be a top-down program with emphasis placed at the highest levels within the Department down to the lowest levels of command leadership. It must develop performance metrics and establish an evaluative framework for regular review and quality improvement."

In response to the report and recommendations of the DOD Task Force report, what actions are you taking to improve the Navy's prevention of sexual assaults?

Answer. Sexual assault is not tolerated in our Navy. Our standard is that every sailor be treated with dignity and respect. When incidents do occur, we have a process in place to provide specialized assistance to the victim, to conduct a full and fair investigation, and to hold offenders accountable. The senior leadership of the Navy has personally communicated to each commanding officer our expectations regarding Sexual Assault Victim Intervention (SAVI) responsibilities and reporting compliance. We require annual training on sexual assault awareness and prevention. Training is included in the student curricula at Recruit Training Command (RTC) Great Lakes, the Naval Academy, Naval Air Station (NAS) Pensacola, and is presented to prospective Commanding Officers and Executive Officers, to Surface Warfare Officer classes, and at the Senior Enlisted Academy. I have also asked the Chief of Naval Personnel to initiate an internal monthly review of sexual assault data to identify trends and propose corrective action where required.

Question. Does the Navy's SAVI program have sufficient resources?

Answer. Yes, and we are continually evaluating resource requirements. Accordingly, we have allocated additional funding for the remainder of fiscal year 2004 and for fiscal year 2005 to further enhance program services and to offset increasing costs.

Question. What actions, if any, do you plan to take to improve the Navy's ability to respond to the needs of victims of sexual assault?

Answer. We have what I believe to be effective policies in place in the areas of awareness, prevention education, and victim advocacy. To improve our ability to execute those policies, we have focused commanding officer attention on the issue, we have committed the additional funding noted above, and we are working to develop better performance metrics in our data collection and trend analysis.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. In testimony before the Senate Armed Services Committee, the Secretary of the Navy stated that the Navy will be the first component of the Department of Defense to implement the National Security Personnel System (NSPS) enacted by Congress in the National Defense Authorization Act for Fiscal Year 2004.

If confirmed, what role would you play in implementation of the NSPS for civilian personnel in the Navy?

Answer. If I am confirmed my role would be to incorporate the legislated personnel management system into our larger institutional strategy for capturing the genius of our people, both military and civilian. I will also implement and integrate the civilian workforce into our 21st century workforce to ensure continued readiness

of our Navy while seeking out efficiencies to minimize overall cost. I believe NSPS must be a central element of any Human Capital Strategy that we develop to recruit, access, train and manage our workforce.

What I like most about this legislation is that it authorizes a more flexible civilian personnel management system, allowing DOD to be a more competitive and progressive employer at a time when our national security demands a highly responsive system of civilian personnel management. At the same time, it also ensures that merit systems principles govern changes in personnel management, that whistleblowers are protected, that discrimination and nepotism remain illegal, and that veterans' preference is protected. This will facilitate the kind of competition and performance we need for the future.

Most importantly, I believe we will also need these kinds of flexible authorities and incentive tools to shape the career paths and our skills mix in a way that lets us compete for the right talent in uniform, not just within the Navy, but with all the Nation's employers as well.

Question. What are the fundamental principles that you would apply in managing personnel reform of this magnitude?

Answer. Four fundamental principles will guide the management of this personnel reform. First, we will seek to create a workforce that maintains our Navy's readiness. Second, we will seek to maintain a flexibility that will enable us to tap into the efficiencies that ensure we are good stewards of our budget. Third, we will continue to be a merit-based organization that seeks to deepen the growth and development of our workforce. Finally, our organization will demand a safe, fair, and respectful working environment that respects the fundamental dignity of our workforce.

Question. You testified that the enactment of the NSPS system would enable the Navy to shift functions now performed by the uniformed military to civilian employees of the Department of the Navy.

What is the status of the Navy's efforts to shift functions previously performed by the uniformed military to civilian employees of the Department of the Navy?

Answer. I have established an office of Civilian Community Management, similar to that which we have used for military community management, under my Deputy for Manpower and Personnel. That office is currently evaluating the work performed and the skills required in our civilian workforce as a necessary prerequisite to a determination of how best to transfer military functions to civilian and contract personnel.

NAVY-MARINE CORPS INTRANET

Question. What is your assessment of the status of the Navy-Marine Corps Intranet program and the ability of that program to meet the Navy's information technology needs?

Answer. Let me say first that I believe that the Navy-Marine Corps Intranet (NMCI) is vitally important to both the U.S. Navy and the U.S. Marine Corps; it is the foundation upon which we are connecting our force and our people, and it is moving forward.

There are a number of complex challenges that remain including ongoing standardization of existing hardware and software systems, countering the cost spiral of emerging technologies, maintaining system efficiencies across the enterprise in light of these new technologies, maintaining information assurance on a large-scale system, and long-term integration with other knowledge management systems.

These are complex and highly dynamic problems, but Electronic Data Systems (EDS) Corporation is already providing NMCI services to more than 360,000 users in the Navy and Marine Corps, which makes NMCI the second-largest computer network in the world—only the Internet itself is larger. NMCI is providing an increasing user base with much better information assurance and security. We also have 4 world-class Network Operation Centers (NOCs), 27 unclassified server farms, and 6 classified server farms up and running. This "backbone" has successfully maintained service through fires, floods, blackouts, and hurricanes. What the DON/EDS partnership has accomplished is significant and improves on a daily basis.

We are committed to NMCI and to bringing the entire department onto a single, secure, enterprise-wide intranet. The immediate challenges are rapid completion of the "cutover" of NMCI seats on the NMCI network, improved user acceptance of the inherent changes, and "harvesting" the benefits offered by NMCI (e.g., business process change and improved productivity).

TRICARE

Question. Your support for the TRICARE program has been notable throughout your military service, particularly as the Chief of Naval Operations.

What is your assessment of the effectiveness of the military health benefit, its administration through TRICARE, and the sufficiency of funding for military health benefits by the Department of Defense?

Answer. The military health benefit is among the finest available, as evidenced by the continued enrollment growth of our beneficiaries and its identification in survey data as one of the strongest retention incentives among active duty naval personnel. Naval Medicine effectively managed the military health benefit during a period of benefit expansion and enrollment growth, while keeping medical inflation below the national average. The new TRICARE contracts provided sweeping improvements in the provision of TRICARE benefits this fiscal year. While there will be no significant benefit changes, it simplifies the old contracts, and provides performance incentives and guarantees. It is important to allow the military health benefit to mature under the new contract. Any future modifications should incorporate readiness, equity, affordability, and be competitive with the private sector. Naval medicine is funded at the level supported in the President's budget, benchmarked at fiscal year 2002 baseline levels.

SPACE PROGRAMS

Question. What role should the Navy play in space programs?

Answer. While the United States Air Force is executive agent for space programs, we remain engaged in the Department of Defense management structure for these programs, including requirements development, science and technology (S&T), research and development, acquisition and, wherever appropriate, operations.

Question. Should the Navy principally be involved in the exploitation of data and services provided by space assets, or should the Navy be engaged in the development and operation of space systems?

Answer. The Navy is engaged across the board and supports the Air Force role as Executive Agent. The Services have been charged by the Secretary of Defense to educate, train, develop and sustain a cadre of highly competent and motivated military and civilian space professionals. The Navy space cadre, with their experience in naval warfighting, are valuable participants in the requirements, science and technology, research and development, acquisition, and operation processes. They are in a position to put maritime needs into the space context, and suggest innovative approaches to best satisfy joint requirements.

Question. If the latter, what is the appropriate level of that involvement in development and operation of the space system?

Answer. Ensuring maritime applications of space programs are being executed by the Air Force is an important consideration, and we therefore cooperate with our joint partners to ensure appropriate joint development that incorporates capabilities to operate in the unique maritime environment.

BALLISTIC MISSILE DEFENSE

Question. The Navy will play an important role in defending the Nation against the threat of long range ballistic missile attack and in defending allies, friends and deployed forces against theater ballistic missile threats.

Do you view ballistic missile defense as a core Navy mission?

Answer. As I testified to this committee last year, I accept ballistic missile defense as a core Navy mission. We have been working with the Missile Defense Agency (MDA) to help deploy this important capability for the Nation. Navy systems and tests have shown great promise in recent years. Indeed, our SM-3 missile has hit the target four out of five times in the past 18 months. I initiated and fully support the ongoing agreement between Navy and the MDA that provides full-time commitment of an Aegis equipped Cruiser to the Testing and Evaluation (T&E) role, as well as a plan to modify other Aegis equipped ships to conduct MDA missions when required. We are intent on helping MDA succeed in deploying effective ballistic missile defenses.

Question. Should the Navy play a role in the defense against short and medium range ballistic missile threats?

Answer. Yes. It wouldn't make sense if we don't capitalize upon the oceans and our dominance at sea in posturing to do this important mission. The combatant commanders are in the process of developing a joint concept of operations for ballistic missile defense against threats of the short and medium-range class. The fleet and Navy headquarters staffs are actively engaged to ensure that Navy capability is uti-

lized to best effect in both advance planning and deployment of short-range ballistic missile/medium-range ballistic missile defenses.

Question. What plans does the Navy have for testing the Aegis Ballistic Missile Defense System?

Answer. The Missile Defense Agency is currently charged with testing of the Aegis Ballistic Missile Defense System (ABMD) for the Defense Department. I have directed the fleet to cooperate actively as MDA proceeds with their testing and evaluation program. Navy ships have been involved in every major system test for the past 2 years. Aside from the Navy-specific firing events featuring U.S.S. *Lake Erie*, Navy destroyers have participated in intercontinental ballistic missile tracking exercises on a recurring basis. Under the direction of Fleet Forces Command, Navy sailors have begun an aggressive training and exercise program in cooperation with our colleagues in the joint arena. We're resolved to be ready to go when the President calls for the deployment of ballistic missile defenses and I'm pleased with our progress to date.

SCIENCE AND TECHNOLOGY PROGRAM

Question. The defense science and technology program is recovering after years of declining budgets. However, the budget request for defense S&T still falls short of the Secretary of Defense's goal of dedicating 3 percent of the total defense budget to science and technology. In particular, the Navy science and technology program, especially the investment in long-term, innovative work which has been so successful in confronting emerging threats, has declined significantly over the last 3 years.

How do you plan to address the shortfalls in the Navy science and technology program to meet the Secretary's goal?

Answer. The fiscal year 2005 Navy S&T budget request stabilizes funding at 0 percent real growth for the first time in 3 fiscal years, and though it is not 3 percent of Navy Total Obligation Authority, it does provide a sufficient level of investment in this very important program for this year. Three percent remains our goal, but at the same time, we must recognize and balance competing investment priorities from year to year. We have done that in this year's budget, and I expect we will continue to do so in the years to come.

Question. What is your view of the role and value of science and technology programs in meeting the Navy's transformation roadmap goals?

Answer. As I have said in previous testimony, I would count advanced technology as one of our national asymmetric advantages. Science and technology programs are therefore important in maintaining that advantage. In fact, much of the maturing technology being delivered today for incorporation into platforms, weapons, sensors, and process improvements are the result of long-term investments in science and technology. That said, new technology alone will not deliver the Navy's transformation roadmap goals. It is only when we integrate that technology with new operational concepts and organizational constructs that it results in real transformation of military capability.

READINESS AND RANGE PRESERVATION INITIATIVE

Question. The Readiness and Range Preservation Initiative (RRPI) is a package of legislative proposals requested by the Department of Defense in response to environmental encroachment on military readiness.

How have the three RRPI proposals which already have been clarified in law—the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Migratory Bird Treaty Act (MBTA)—affected the Navy's test and training readiness?

Answer. The amendments to the ESA, MMPA, and MBTA enacted in the National Defense Authorization Act (NDAA) for 2003 and the NDAA for 2004 made favorable changes that have improved the Navy's performance in both environmental stewardship and fleet training operations. Clarifying our current and future responsibilities and providing assurances that these standards will remain constant is helping us to plan and resource for stable, long-term programs that will benefit both fleet readiness and the land and life that abounds on and around our ranges. Specifically:

- Migratory Bird Treaty Act: NDAA for Fiscal Year 2003 allows the military to conduct training while protecting migratory birds, thereby preserving the availability of Farallon de Medinilla and other critical ranges for vital Navy training.
- Endangered Species Act: NDAA for Fiscal Year 2004 allows DOD to use the Integrated Natural Resources Management Plan prepared under the Sikes Act to address endangered species concerns in lieu of designating a critical habitat.

It also required the U.S. Fish and Wildlife Service to consider the impact to national security when designating a critical habitat.

- Marine Mammal Protection Act: NDAA for Fiscal Year 2004 amended the MMPA definition of "harassment," adjusted the permitting system to better accommodate military readiness activities, and added a national defense exemption consistent with other environmental statutes.

- "Harassment" now focuses on biologically significant vice benign disturbances, eliminating the legal tripwires of 'small numbers' and 'specific geographic area.'
- Allows safety, practicality, and effectiveness of the military readiness activity to be considered for monitoring and mitigation measures.

We are grateful for the NDAA for Fiscal Year 2003 and Fiscal Year 2004 changes which continue to be implemented. Preserving these changes in future reauthorization acts is important to us, allowing the Navy to continue to demonstrate the right balance between military readiness and environmental stewardship.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chief of Naval Operations?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

18-18-18 PLAN

1. Senator MCCAIN. Admiral Clark, in the National Defense Authorization Act for Fiscal Year 2003, we created a new short term enlistment plan for the military. This plan could effectively be used as a recruiting tool to quickly and affordably meet necessary manpower requirements. Please share the implementation of the "18-18-18" short term enlistment plan within the Navy.

Admiral CLARK. Our accession goal for fiscal year 2004 is 1,000 recruits under the National Call to Service (NCS) plan, previously referred to as "18-18-18." This represents 2.5 percent of our total fiscal year 2004 accession objective.

To support long-term needs within the Naval Reserve for Hospital Corpsman (HMs) and Masters-At-Arms (MAs), 88 percent of NCS enlistees will serve within these ratings. HMs will provide field medic support to Fleet Marine Force units, many of which are engaged in Operations Enduring Freedom and Iraqi Freedom. Upon affiliating with their respective Reserve units, these recruits will possess formal technical schooling and 15 months of Fleet or Fleet Marine Force experience. Likewise, MA personnel enlisted under the NCS program will enhance our Anti-Terrorism/Force Protection (AT/FP) mission, again offering a combination of formal technical training coupled with follow-on fleet experience in a variety of assignments. The remaining 12 percent of this fiscal year's NCS enlistees are dedicated to other Reserve Force missions, including intelligence, anti-mine warfare, and naval aviation.

For fiscal year 2005, we plan to double the NCS accession goal to 2,000 recruits, which represents 5.2 percent of the total fiscal year 2005 accession objective, 1,100 of which will serve in the HM and MA ratings.

END STRENGTH

2. Senator MCCAIN. Admiral Clark, as the global war on terrorism expands, it has put a strain on the manning of our armed services, especially the Reserves. While I understand that your justification for reducing end strength in the Navy will save significant funding, how can you justify reductions in end strength now, when the platforms that have reduced manning will not be in place for years to come?

Admiral CLARK. Platforms designed from the keel up for reduced manning, like LCS, DD(X), and Carrier Vessel Nuclear (CVN) 21, are only part of a long-term plan. In the near-term, we are attacking the problems and inefficiencies inherent in our current manpower approach, which I believe is an unaffordable outgrowth of a conscription reality that no longer exists. We are changing the nature of the work required in our current platforms—and thereby changing the skill sets and numbers of people needed—by introducing and experimenting with new technologies in areas such as navigation, engineering, and seamanship. We are changing policies and processes to enhance the effectiveness and job content of our sailors with experiments like Optimal Manning. We are experimenting with new concepts of operation, like the Fleet Response Plan and Sea Swap, designed to derive more operational availability from the platforms we have today. We have also reorganized and aligned our infrastructure under the Navy Installations Command to more efficiently support both today's and tomorrow's fleets. All of these initiatives promise a more efficient Navy that requires fewer sailors.

AIR FORCE TANKER

3. Senator MCCAIN. Admiral Clark, you have always been an advocate for jointness across the Services and saying that no single Service can do the job alone. Is it still a requirement for the Navy to have multi-point and simultaneous refueling capabilities in any future airborne tanker program?

Admiral CLARK. Yes. I consider it a Navy requirement and a tremendous joint and combined force multiplier to have any future tanker program retain the capability to perform boom and probe/drogue refueling on the same sortie. While we have no documented requirement specifically for multi-point refueling (the ability to simultaneously refuel more than one aircraft at a time), we do capture our requirements for Air Force tanking in terms of pounds per day and hose-hours (defined as one tanker hose on station for 1 hour).

The current specific requirement numbers are classified and, as you might imagine, there are several caveats and footnotes associated with these numbers based on scenario and strategic context. Clearly, there are several options on how the Air Force meets this requirement; for example, a larger fleet of tankers with a single hose each or a smaller fleet of tankers with multi-point refueling capability. Our initial analysis shows that, at a minimum, our future tanker force should include the necessary platform modifications (plumbing, wiring, etc.) to accommodate wingtip-refueling pods even if the Air Force does not procure the pods on a one-for-one basis.

We are participating in several Service and OSD-sponsored studies and working groups to examine the trade-offs and benefits of various concepts to identify the best way to meet our tanking requirements.

ACTIVE RESERVE INTEGRATION

4. Senator MCCAIN. Admiral Clark, I applaud your leadership and efforts in active-Reserve integration. How do you plan on integrating the infrastructure and personnel to accommodate a more effective and efficient workforce?

Admiral CLARK. To more effectively integrate active and Reserve infrastructure and personnel we have, for example, rebalanced the Navy Coastal Warfare mission from a predominantly Reserve capability to a fully integrated active-Reserve capability. Other ongoing efforts include consolidation of Reserve recruiting into the Navy Recruiting Command, alignment of Reserve training requirements under the Naval Education and Training Command, and the integration of Reserve infrastructure under the Chief of Navy Installations.

Additionally, I have asked my fleet commander to review Reserve units and billets on a continuing basis for capability relevance and alignment with fleet requirements. The initial review is not yet complete.

OPERATIONAL AVAILABILITY

5. Senator McCAIN. Admiral Clark, you have been extremely successful in applying the Fleet Response Plan to increase the operational availability of the carrier force. What success have you had in working with the Marine Corps to increase the operational availability of the amphibious Navy's Expeditionary Strike Groups?

Admiral CLARK. The Fleet Response Plan (FRP) operational concept for Navy ships and the ESG concept are both in their first full year of execution. The Navy-Marine Corps team is working aspects of the FRP that require additional refinement.

One of those areas is the application of FRP to the ESG, including aligning the readiness standards and milestones of Navy ships with available Marine forces. These Marine forces may range from a Special Purpose Marine Air-Ground Task Force (SPMAGTF) to, potentially, an Amphibious Marine Expeditionary Brigade (MEB).

Experiments to validate the principles of FRP are ongoing. Significant data has been compiled regarding the effects of FRP on surface combatant ships. Additional data is being gathered regarding the application of FRP to submarines, aircraft carriers, amphibious warfare ships, and aviation squadrons.

We are working with the Marine Corps to integrate their units into FRP, as well, although this effort is being impacted by the deployment demands of Operations Iraqi Freedom and Enduring Freedom.

FORCE STRUCTURE AND INDUSTRIAL BASE

6. Senator McCAIN. Admiral Clark, the LCS and all-electric destroyer ((DD(X)) seem central to your transformation strategy. What will be the impact on the Navy's force structure and the industrial base if the current marks against the DD(X) and LCS stand?

Admiral CLARK. The impact would be significant. For DD(X), the proposed cut would eliminate funding for initiation of detail design and procurement of long-lead materials to support start of fabrication of the lead ship at the end of fiscal year 2007. Long-lead material purchases include generators, propeller and shafting, gun mounts and communications antennas. These items must be procured in fiscal year 2005 to ensure delivery by the "in yard" need date. A reduction of funding to begin detail design and procurement of long-lead materials for the lead ship in fiscal year 2005 will slip delivery of the first DD(X) until fiscal year 2012, and may jeopardize the financial viability of the second shipbuilder due to schedule slippage that will migrate to follow ships as a result of the mark.

For LCS, in the event that the funds for LCS lead ship construction are not provided, we will not be able to commence with detail design and construction on schedule, effectively delaying lead ship delivery by 1 year. In addition, it is important to understand that LCS mission module integration risks are currently low, well understood, and properly funded to allow the program to proceed as currently scheduled—with mission modules ready for employment before the first ship delivery in fiscal year 2007. A delay in lead ship construction would not provide additional risk reduction in terms of ship-module interface development.

7. Senator McCAIN. Admiral Clark, while you have come out publicly supporting increasing shipbuilding to support a force structure of 375 ships, I am confused by some other statements you have made. You have advocated reducing the total number of ships by decreasing the number of amphibious ships and submarines as well as keeping more ships on station while swapping out crews. This seems to be contradictory. Can you explain?

Admiral CLARK. The force structure of our Navy—present and future—is under constant review to achieve the best combination of capabilities and numbers. Future fleet size estimates are based on emerging technologies, operational concepts, and real-world missions. As we conduct technical experiments and validate more efficient ways to generate combat power, we also revise fleet size estimates.

The Sea Swap operating concept, by which multiple crews are rotated through ships that are deployed forward for great lengths of time, shows particular promise. Sea Swap has the potential to greatly increase the operational availability of our Navy, while providing enhanced stability to deployment lengths for our sailors.

The global war on terrorism has also impacted Navy requirements. Evolving missions such as precision strike, maritime interception operations, intelligence gathering, and homeland defense, among others, impact future fleet capabilities and composition estimates.

Review of new technologies, operating concepts, particularly Sea Swap, and warfighting requirements have convinced me that we can produce an operational availability with fewer than 375 ships. That said, the analytical rigor required to identify a new 375-ship equivalency is still ongoing. As we refine estimates of a smaller Navy that is optimally sized and shaped for the 21st century, we will keep Congress fully apprised.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

NAVY REALLOCATION AND THE SUPPLEMENTAL

8. Senator COLLINS. Admiral Clark, earlier this year, the Senate passed a \$25 billion supplemental appropriations bill to pay for continuing efforts in the war on terrorism and Iraq. Recently, the Navy, specifically the Navy Installations Command, reallocated \$300 million from base operating budgets worldwide to the global war on terrorism. I know this decision may affect a lot of people—for example, firefighters from the Portsmouth Naval Shipyard called my office and told that 5–13 firefighting positions may be cut. This really concerns me because I have to wonder if that \$25 billion supplemental was enough if we are now having to dig deeper into the operating budgets. How do you view the \$300 million reallocation and how that will affect programs?

Admiral CLARK. The \$25 billion supplemental was provided after the \$300 million cost of war realignment of funds. The \$300 million reallocation to support the global war on terrorism was executed with a close review of mission requirements and legal obligations. No reductions in force or furlough actions—including firefighters from the Portsmouth Naval Shipyard—were part of this realignment of funds, although some shore support services were curtailed or delayed to support the reallocation.

DD(X) AND LITTORAL COMBAT SHIP

9. Senator COLLINS. Admiral Clark, I know you have been a strong supporter of the DD(X) and the Littoral Combat Ship. In fact, I was pleased to see that you had sent a letter to the House Armed Services Committee requesting that they restore full funding to these important programs. How do you assess the future of these two programs and do you believe their production schedule will stabilize?

Admiral CLARK. Maritime Dominance in the 21st century requires a naval force capable of projecting power and defeating anti-access threats. DD(X) and LCS offer these vital capabilities for the future. DD(X) will provide critical area control and deep striking power in support of the Navy/Marine Corps team. LCS will be central to dominating the near-land arena in which we operate in support of the global war on terrorism.

While both DD(X) and LCS are on track and meeting major milestones, it is important to note that actions taken by Congress in the fiscal year 2005 budget process have impacted the rate and pace of future deliveries. Changes in the funding approach submitted in the President's fiscal year 2005 budget will delay DD(X) and impact the delivery of the second and follow-on ships of the LCS class.

As a result of these actions, we are currently funded (\$15.8 billion) to build one DD(X) in fiscal year 2007, one in fiscal year 2008, two in fiscal year 2009, two in fiscal year 2010, and one in fiscal year 2011 for a total of seven across the Future Years Defense Program. For LCS, we are funded (\$5.1 billion) for 1 in fiscal year 2005, 1 in fiscal year 2006, 2 in fiscal year 2007, 3 in fiscal year 2008, and 5 per fiscal year from fiscal year 2009 to fiscal year 2011 for a total of 22 since program start through the current Future Years Defense Program.

The total number of ships to be built for each of these classes will be determined based upon ongoing analysis of technologies, warfighting requirements, and innovative manning concepts such as Sea Swap and multi-crewing.

QUESTION SUBMITTED BY SENATOR JACK REED

ATTACK SUBMARINE FORCE LEVELS

10. Senator REED. Admiral Clark, the pre-hearing policy questions asked about what considerations might permit the Navy to conclude that a number of attack submarines substantially smaller than 55 would be sufficient to meet the requirements of the combatant commanders (COCOM) and other intelligence, surveillance, and reconnaissance (ISR) needs.

Your answer discussed a number of considerations, including such considerations as the duration of future conflicts, changes in threats, changes in strategy and tactics, and forward basing options. Your answer does not make clear that the requirements established by the combatant commanders or other ISR needs would be among those considerations. Also, based on previous Navy testimony, combatant commander and ISR requirements exceed the currently available attack submarine force's capability and have been steadily increasing over the past 10 years or more.

Are the requirements established by the combatant commander or other ISR needs not as important to these calculations as the considerations you mention?

Admiral CLARK. The requirements established by combatant commanders (COCOM) and other ISR needs are central to our ongoing calculation of optimum force structure. COCOM requirements are based upon both wartime and peacetime needs. We have more than sufficient submarines to meet wartime operational plan (OPLAN) requirements. However, peacetime ISR requirements have driven submersible ship nuclear (SSN) force structure calculations. These ISR needs are important to the COCOMs, and in certain cases a SSN may be uniquely capable of satisfying a specific ISR requirement. Having said that, as we transform our force and field new technology we are committed to a process wherein requirements are stated as desired outcomes, not inputs. Emerging technologies may enable platforms with greater reach and aperture—including Navy, Joint, and national sensors—to satisfy ISR needs historically met by SSNs. Certainly the SSN's unrivaled stealth will continue to make it the ideal, and perhaps uniquely qualified, asset to satisfy certain COCOM collection requirements, but that determination should be made based on validating desired outcomes rather than specifying certain platforms. Given an objective outcome, we can optimize force employment to deliver the proper warfare capabilities to satisfy ISR needs.

We will make recommendations to the Secretary of Defense based on a differentiation between peacetime and wartime requirements, and we will evaluate investment risk accordingly. With regard to ISR, we will continually seek to evaluate the critical components of the warfighting analysis to determine how to maintain and equip a viable capability for the COCOMs. We will continue to make investment judgments using all applicable variables to procure future capabilities, in close coordination with the COCOMs, and will evaluate our capabilities and programs to meet future requirements and seek efficiencies to improve the operational availability of our forces.

[The nomination reference of ADM Vernon E. Clark, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 22, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for reappointment as Chief of Naval Operations, United States Navy, for an additional term of 2 years, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5033:

To be Admiral

ADM Vernon E. Clark, 8489.

[The biographical sketch ADM Vernon E. Clark, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

TRANSCRIPT OF NAVAL SERVICE FOR ADM VERNON EUGENE CLARK, U.S. NAVY

07 SEP 1944 Born in Sioux City, Iowa.

23 AUG 1968 Ensign.

23 AUG 1969 Lieutenant junior grade.

02 MAY 1971 Lieutenant.

28 MAR 1972 Released from active duty.

03 FEB 1973 Reported for active duty.
 07 MAR 1974 Augmented in the U.S. Navy.
 01 JUL 1975 Lieutenant Commander.
 01 SEP 1980 Commander.
 01 JUN 1987 Captain.
 22 JUL 1991 Designated Rear Admiral (lower half) while serving in billets commensurate with that grade.
 01 SEP 1992 Rear Admiral (lower half).
 SEP 1994 Designated Rear Admiral while serving in billets commensurate with that grade.
 01 OCT 1995 Rear Admiral.
 01 APR 1996 Vice Admiral.
 11 AUG 1999 Designated Admiral while serving in billets commensurate with that grade.
 01 NOV 1999 Admiral, Service continuous to date.

Assignments and duties:

	From	To
Fleet Training Center, Norfolk, VA (DUINS)	AUG 1968	SEP 1968
U.S.S. <i>John W. Weeks</i> (DD 701) (Main Propulsion Asst/Engineer Officer)	SEP 1968 ..	AUG 1970
U.S.S. <i>Gearing</i> (DD 710) (Engineer Officer)	AUG 1970	FEB 1972
Office of CNO (Administrative Asst.) (OP-96)	FEB 1973 ..	MAY 1974
Naval Guided Missile School, Dam Neck (DUINS)	MAY 1974	JUN 1974
CO, U.S.S. <i>Grand Rapids</i> (PG 98)	JUN 1974 ..	SEP 1976
Office of CNO (Personal Aide and Administrative Asst. to DCNO, Surface Warfare) (OP-03)	SEP 1976 ..	DEC 1977
Office of CNO (Administrative Asst. to VCNO) (OP-09)	DEC 1977	MAR 1979
CO, U.S.S. <i>McCloy</i> (FF 1038)	MAR 1979	JUN 1981
Staff, Commander, Naval Surface Force, U.S. Atlantic Fleet (Force ASW Officer)	JUN 1981 ..	FEB 1983
Bureau of Naval Personnel (DUINS)	FEB 1983 ..	JUN 1983
Surface Warfare Officers School Command (DUINS)	JUN 1983 ..	AUG 1983
CO, U.S.S. <i>Spruance</i> (DD 963)	AUG 1983	NOV 1985
Naval War College (DUINS)	NOV 1985	MAR 1986
CO, Fleet Anti-Submarine Training Center Atlantic	MAR 1986	DEC 1987
Commander, Destroyer Squadron ONE SEVEN	DEC 1987	JAN 1990
Commander, Destroyer Squadron FIVE	JAN 1990 ..	JUL 1990
Office of Joint Chiefs of Staff (Chief, PACOM Branch, J-3)	JUL 1990 ...	JUL 1991
Director, Plans & Policy, J-5, and Director, Program Analysis and Financial Management, J-8, U.S. Transportation Command.	JUL 1991 ...	JUL 1993
Commander, Cruiser Destroyer Group THREE	AUG 1993	NOV 1994
Commander in Chief, U.S. Atlantic Fleet (Deputy and Chief of Staff)	NOV 1994	MAR 1996
Commander, SECOND Fleet/Commander Striking Fleet Atlantic	MAR 1996	NOV 1997
Joint Staff (Director for Operations) (J-3)	NOV 1997	NOV 1998
Joint Staff (Director)	NOV 1998	AUG 1999
Commander in Chief, U.S. Atlantic Fleet	SEP 1999 ..	JUN 2000
Chief of Naval Operations	JUL 2000 ...	TO DATE

Medals and awards:

Defense Distinguished Service Medal with two Gold Stars.
 Navy "E" Ribbon with two "Es".
 Distinguished Service Medal.
 National Defense Service Medal with one Bronze Star.
 Legion of Merit with two Gold Stars.
 Armed Forces Expeditionary Medal.
 Defense Meritorious Service Medal.
 Vietnam Service Medal with two Bronze Stars.
 Meritorious Service Medal with three Gold Stars.
 Southwest Asia Service Medal with one Bronze Star.
 Navy and Marine Corps Commendation Medal.
 Sea Service Deployment Ribbon with one Silver Star.
 Joint Meritorious Unit Award with one Bronze Oak Leaf Cluster.
 Navy and Marine Corps Overseas Service Ribbon. Meritorious Unit Commendation.

Special qualifications:

BA (Business Administration) Evangel College, 1967.
 MA (Business Administration) University of Arkansas, 1968.
 Designated Joint Specialty Officer, 1998.

*Personal data:**Wife:*

Connie Rae Nealy of Bay City, Texas.

Children:

Jeffrey Alan Clark (Son), Born: 5 August 1970;

Matthew Christopher Clark (Son), Born: 26 April 1974.

Summary of joint duty assignments:

Assignment	Dates	Rank
Office of Joint Chiefs of Staff (Chief, PACOM Branch, J-3)	JUL 90-JUL 91	CAPT
Director, Plans & Policy, J-5, and Director, Program Analysis and Financial Management, J-8, U.S. Transportation Command.	JUL 91-JUL 93	RDML
Commander, SECOND Fleet/ Commander Striking Fleet Atlantic	MAR 96-NOV 97 ..	VADM
Joint Staff (Director for Operations) (J-3)	NOV 97-NOV 98 ..	VADM
Joint Staff (Director)	DEC 98-AUG 99 ...	VADM

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by ADM Vernon E. Clark, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Clark, Vernon E.

2. **Position to which nominated:**

Chief of Naval Operations.

3. **Date of nomination:**

October 22, 2003.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

September 7, 1944; Sioux City, IA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Connie Rae (Nealy) Clark.

7. **Names and ages of children:**

Jeffrey A. Clark, 33 yrs.; Matthew Clark, 29 yrs.

8. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

State—Virginia Military Advisory Council.

Local—Norfolk Military/Civilian Liaison Group.

9. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None.

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Council on Foreign Relations.

Honorary Member, Naval Academy Alumni Association.

Co-Chairman, Navy-Marine Corps Relief Society.

11. Honors and awards: List all memberships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

2003 George P. Schultz Award for Public Service, June 2003. Presented by the 45th Class of the United States Department of State Foreign Service Institute Senior Seminar.

Meritorious Service Medal (Military), March 2003. Awarding Official: Chief of Navy, Republic of Singapore Navy.

Knight Commander's Cross of the Order of Merit of the Federal Republic of Germany, November 2002. Awarding Official: President of Federal Republic of Germany, on recommendation of Chief of Staff of German Navy.

Grand Officer, Order of Merit of the Italian Republic, October 2002. Awarding Official: Chief of Staff, Italian Navy.

Rank of Commander of the "Légion d'Honneur," April 2002. Awarding Official: President, French Republic.

Order of National Security Merit, Tong-Il Medal, September 2001. Awarding Official: Minister of National Defense of the Republic of Korea, on behalf of the President of the Republic of Korea.

Japanese Medal Order of the Rising Sun, September 2001. Awarding Official: Minister for Self Defense.

Naval Cross of the First Class, May 2001. Awarding Official: Chief of Staff, Portuguese Navy.

National Association of Intercollegiate Athletics (NAIA) Service Master Distinguished Graduate, January 1994: Presented to former student athletes who have distinguished themselves in their professions.

The General Superintendent's Medal of Honor, 1991: An award presented to the outstanding layperson who distinguished themselves through meritorious service to God, the church, community, and fellow citizens. Presented by the Executive Presbytery of the General Counsel of the Assemblies of God.

12. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

I do agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate.

13. Personal views: Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

I do agree, when asked before any duly constituted committee of Congress, to give my personal views, even if those views differ from the administration in power.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

VERNON E. CLARK.

This 21st day of January, 2004.

[The nomination of ADM Vernon E. Clark, USN, was reported to the Senate by Chairman Warner on July 8, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 8, 2004.]

[Prepared questions submitted to Lt. Gen. James E. Cartwright, USMC, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms brought about fundamental change in the manner in which the Department of Defense (DOD) and the Services carry out the mission of national security.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the Defense Reorganization Act of 1986 and the Special Operations reforms. They have strengthened our Armed Forces, joint operations and the effectiveness of our combatant commanders.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The most positive aspect is overall improvement in our joint military operations. The Goldwater-Nichols Act resulted in much needed improvements in joint doctrine, joint professional military education, and joint strategic planning. Another important element is clarity in the chain of command from the National Command Authorities to the combatant commanders and unambiguous responsibility placed upon each combatant commander for execution of mission and preparedness of assigned forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe the Department of Defense has vigorously and successfully pursued implementation of these important reforms.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes. The law gives combatant commanders sufficient authority to carry out their assigned missions. Additionally, the voice of the combatant commanders has been strengthened in the resource allocation process ensuring vital requirements are properly resourced. Many complex joint operations conducted since the legislation was enacted have demonstrated this effectiveness. These changes continue to be vital to success of the Strategic Command (STRATCOM) strategic deterrence mission as well as the newly assigned missions of global strike, information operations, intelligence, surveillance, reconnaissance (ISR), missile defense, and space.

Question. Do you foresee the need for additional modifications of Goldwater-Nichols in light of the changing environment and possible revisions to the national security strategy?

Answer. The Goldwater-Nichols Act has profoundly improved the performance and capabilities of the American military establishment. We have significantly improved

our ability to conduct combat operations, manage defense resources, streamline management practices, and address organizational issues within the Department of Defense. The Department has undertaken, and continues to refine and develop, several internal processes that are further strengthening the spirit and intent of Goldwater-Nichols. As we continue to improve the joint influence in critical decision-making, the Goldwater-Nichols Act remains an important and effective piece of legislation. As a result, I do not believe any major revisions are required at this time. However, as with any of our organizational constructs, we should not hesitate to challenge underlying assumptions, initial intentions and plans as situations change. Defense organization is important and deserves innovative attention. Congress and the Department have recognized this with efforts to look beyond Goldwater-Nichols. The results of these reviews will better inform the debate concerning any potential changes required to enhance our defense posture.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. Strategic Command?

Answer. The Commander, United States Strategic Command has responsibility and control for all strategic forces in support of the national security objective of strategic deterrence. The commander's traditional role as custodian of our Nation's nuclear forces remains paramount, and nothing can detract from this critical mission of ensuring safety, reliability and positive control of our nuclear forces. Additionally, the new Strategic Command structure created and evolved during the past 2 years, includes further missions such as kinetic and non-kinetic global strike, department-wide information operations, ISR, space operations, and an integrator for missile defense. In my view, Strategic Command as currently structured has tremendous opportunities to view the international security environment through an entirely new prism, and to continue to develop new mechanisms for dealing with the global issues that face us. This global perspective is critical as we further develop and integrate the other elements of strategic operations to more completely and comprehensively meet critical national security requirements.

Throughout the mission areas briefly mentioned above, the commander exercises combatant command over the organization and operation of all assigned forces and headquarters in accordance with public law and the policies established by the Secretary of Defense. Additionally, he is a primary advisor to the Secretary of Defense on strategic military issues.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Almost 33 years of service in the United States military have prepared me for this position through a variety of Marine Corps and Joint Assignments, in periods of peace, crisis and conflict, alongside the finest soldiers, sailors, airmen, marines, and Coast Guardsmen in the world. I have commanded two aviation squadrons, a Marine Aircraft Group, a Marine Aircraft Wing and was the Deputy Commanding General of Fleet Marine Forces Atlantic. Operationally, I have been fortunate to serve on numerous occasions overseas including recent operational involvement in Bosnia and Operation Enduring Freedom. I have been privileged to fill several Washington staff positions including my current assignment as the Director of Force Structure, Resources and Assessments on the Joint Staff, and previous tours in other billets on the Joint Staff, Marine Corps Staff and technical assignments in jet aircraft programs.

My career has included qualification as a Radar Intercept Officer, Naval Aviator, as well as graduate-level education from two war colleges.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander in Chief, U.S. Strategic Command?

Answer. One of the great benefits of a military career is the continuing opportunity to learn, and I certainly have much to continue learning. Not only are we in a period of operationally challenging activities surrounding the war on terror, I believe we are also in a period of strategic transition, and the success of STRATCOM depends on many factors and organizations outside the immediate command structure. I have not worked regularly with several organizations that contribute to the success of STRATCOM (examples: National Security Council, Nuclear Weapons Council, Defense Threat Reduction Agency, Department of Energy-National Nuclear Security Administration and others). If confirmed, I will make it a priority to become more familiar with these organizations and the contributions they make to the success of our missions.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Strategic Command, to the following officials:

The Secretary of Defense.

Answer. In accordance with title 10, United States Code, section 164, the Commander of U.S. Strategic Command (CDR STRATCOM) performs his duties under the authority, direction, and control of the Secretary of Defense. CDR STRATCOM is directly responsible to the Secretary of Defense for the preparedness of the command and the ability to carry out missions assigned to the command.

Question. The Deputy Secretary of Defense.

Answer. In accordance with title 10, United States Code, section 132, the Deputy Secretary of Defense will perform duties and exercise powers as prescribed by the Secretary of Defense, and in the absence of the Secretary of Defense, perform his duties. If confirmed, I intend to work closely with the Deputy Secretary on all strategic matters.

Question. The Under Secretary of Defense for Policy.

Answer. Title 10, United States Code, and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary of Defense regarding matters related to specific functional areas. Within these areas, the Under Secretaries exercise policy and oversight functions, and in discharging their responsibilities the Under Secretaries may issue instructions and directive memoranda that implement policy approved by the Secretary. Communication lines between under secretaries and combatant commanders is direct unless otherwise directed by the Secretary of Defense. If confirmed, I look forward to working with the Under Secretary of Defense for Policy on all strategic policy issues.

Question. The Under Secretary of Defense for Intelligence.

Answer. Title 10, United States Code, and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary of Defense regarding matters related to specific functional areas. Within these areas, the Under Secretaries exercise policy and oversight functions, and in discharging their responsibilities the Under Secretaries may issue instructions and directive memoranda that implement policy approved by the Secretary. Communication lines between under secretaries and combatant commanders is direct unless otherwise directed by the Secretary of Defense. If confirmed, I look forward to working with the Under Secretary of Defense for Intelligence in defining and attaining command goals in the area of intelligence.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. Title 10, United States Code, and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary of Defense regarding matters related to specific functional areas. Within these areas, the Under Secretary exercises policy and oversight functions, and in discharging their responsibilities the Under Secretary may issue instructions and directive memoranda that implement policy approved by the Secretary. Communication lines between under secretaries and combatant commanders is direct unless otherwise directed by the Secretary of Defense. If confirmed, I look forward to working with the Under Secretary of Defense for Acquisition, Technology, and Logistics on command issues pertaining to his departmental responsibilities.

Question. The Assistant Secretary of Defense for International Security Policy.

Answer. The Assistant Secretary of Defense for International Security Policy (ISP) is subordinate to the Under Secretary of Defense for Policy. Any relationship U.S. Strategic Command would require with the Assistant Secretary of Defense for ISP would be with and through the Under Secretary of Defense for Policy.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. Relations with the Assistant Secretary of Defense for Homeland Defense would be conducted along the same lines as those discussed above regarding relations with the Under Secretaries of Defense. If confirmed, I look forward to working with U.S. Northern Command, U.S. Pacific Command and the Assistant Secretary of Defense for Homeland Defense on command-related national security issues.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is clearly established by title 10, United States Code, as the principal military advisor to the President, National Security Council, and Secretary of Defense. He serves as an advisor and is not in the chain of command that

runs from the National Command Authorities (NCA) directly to each combatant commander. The law does allow the President to direct that communications between the NCA and the combatant commanders be transmitted through the chairman. This action keeps the chairman fully involved so that he can execute his other responsibilities. By law and to the extent directed by the Secretary of Defense, the chairman serves as spokesman for the combatant commanders and is charged with overseeing their activities. He provides a vital linkage between the combatant commanders and other elements of the Department of Defense. The legal duties of the chairman are many and they require either his representation or personal participation in a wide range of issues. If confirmed, I will also have an obligation in accordance with title 10, United States Code, to keep the Secretary of Defense promptly informed on matters for which he may hold me personally accountable. If confirmed, I will work with and through the chairman in the execution of my duties.

Question. The Secretaries of the Military Departments.

Answer. Title 10, United States Code, section 165, provides that, subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of combatant commanders, the Secretaries of military departments are responsible for the administration and support of the forces they have assigned to combatant commands. The authority exercised by a combatant commander over Service components is quite clear, but requires close coordination with each secretary to ensure there is no infringement upon those lawful responsibilities a Service Secretary alone may discharge.

Question. The Chiefs of Staff of the Services.

Answer. As a result of the Goldwater-Nichols Act, the Service Chiefs are no longer involved in the operational chain of command. They now have two significant roles. First, their primary function is to provide organized, trained, and equipped forces to be employed by the combatant commander in the accomplishment of assigned missions. Additionally, as members of the Joint Chiefs of Staff, the Service Chiefs have a lawful obligation to provide military advice. Individually and collectively, the Service Chiefs are a source of experience and judgment every combatant commander can and should call upon. If confirmed, I would work closely and confer regularly with the Service Chiefs.

Question. The Combatant Commanders, including Commander, U.S. Northern Command.

Answer. The Commander of STRATCOM has both supported and supporting relationships with the other combatant commanders. These relationships are primarily identified in the Unified Command Plan, the Forces For Unified Commands Memorandum, the Joint Strategic Capabilities Plan, specific command arrangement agreements, Operations Plan, and contingency plans. In general, STRATCOM is the supported combatant commander for the national strategic war plan, and is a supporting combatant commander for many remaining plans and missions. The new missions recently added to STRATCOM create opportunities to further develop the supporting/supported command relationships between the combatant commands. If confirmed, I look forward to working with the other combatant commands to broaden and enhance the level and range of these supporting/supported relationships, especially in the areas of information warfare/operations, ISR, space operations, missile defense, and global strike.

Question. The Administrator of the National Nuclear Security Administration

Answer. In accordance with title 32, section 3212, of the National Nuclear Security Act of 1999, the Administrator is responsible to the Secretary of Energy for all Department of Energy programs and activities involving the production, safety, and security of nuclear energy and nuclear weapons—including the stockpile stewardship program. Though the Administrator is outside the Defense Department's chain of command, these issues are of concern to STRATCOM as well, and if confirmed, I will work closely and confer regularly with the Administrator.

Question. The Director of the Missile Defense Agency.

Answer. The Missile Defense Agency (MDA) serves as the missile defense systems engineering and development organization for the Department of Defense. It provides the research, development, testing, and evaluation of the missile defense and associated support systems that would be employed by the combatant commanders. U.S. Strategic Command maintains a close and continuous relationship with the Director of the MDA as they develop the systems to support our warfighting requirements. In accordance with Unified Command Plan, Change Two, U.S. Strategic Command advocates and ensures desired ballistic missile defense and missile-warning characteristics and capabilities of combatant commanders are properly represented to MDA.

Question. The Director of Operational Test and Evaluation.

Answer. Title 10, United States Code, section 139, provides that the Director of Operational Test and Evaluation is appointed from civilian life by the President, by and with the advice and consent of the Senate. The Director is the principal adviser to the Secretary of Defense on operational test and evaluation in the Department of Defense and the principal operational test and evaluation official with the senior management of the Department of Defense. The director may communicate views on matters within the responsibility of the office of Operational Test and Evaluation directly to the Secretary of Defense. If confirmed, I will work closely with and seek the advice of the Director of Operational Test and Evaluation in assessing the progress of command programs of interest.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Commander, U.S. Strategic Command?

Answer. The responsibilities of U.S. Strategic Command were recently broadened to help advance a global perspective on current and emerging capabilities and to enhance DOD ability to counter potential threats to our national security. Significant progress has been made in developing capabilities within all of the previously unassigned mission areas and, if confirmed, I look forward to continuing the efforts of my predecessor. As I look ahead, I see challenges along several fronts. Most significant of these is ensuring the ability to sustain and develop a corps of well-trained professionals with the technical competence to advance all assigned mission area disciplines, within both the operational and scientific realms. The right, properly skilled people will be key to tackling other important issues such as ensuring a safe and reliable nuclear weapons stockpile, advancing credible and effective strategic deterrent capabilities and expanding command and control architectures beyond the legacy nuclear mission to help effectively integrate all of STRATCOM's strategic mission areas.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will continue to build upon the excellent work of my predecessor and ensure we further operationalize the global missions assigned to STRATCOM in order to create a coherent integration effort that will provide greater, more flexible capabilities and options to the other combatant commanders and the National Command Authority. I will also seek to develop and nurture an effective organization comprised of talented, educated forces focused on strengthening our capabilities to adapt to strategic challenges wherever they may arise. If confirmed, I intend to build upon the cooperation which STRATCOM already enjoys with other combatant commanders to promote improved planning, intelligence, exercises, resource management, information operations and security, force protection, and command and control so that the Nation is better prepared to respond appropriately to a variety of potential contingencies.

STRATEGIC THREATS

Question. In your view, what are the most serious strategic threats facing the United States today?

Answer. The globalization of our Nation's security landscape has demanded fundamental defense policy shifts. The United States will face an array of potential adversaries whose political, cultural, and idiosyncratic differences will complicate our efforts to protect vital U.S. interests at home and abroad. We face four persistent and emerging global challenges: the traditional adversaries, unconventional non-state or state supported actors, catastrophic use of WMD or methods, and disruptive capabilities to supplant our advantages in particular operational domains. We must change the way we think about strategic deterrence to provide the President with a wider range of deterrent capabilities that effectively address the new set of challenges we face today.

Question. What future strategic threats should the United States prepare for?

Answer. Considering the ambiguities today's environment holds as discussed above, it is difficult to clearly define all threats the U.S. may face in the future. That said, within the STRATCOM realm of responsibility, several significant challenges do seem to present themselves in my opinion: cyber threats, threats to assured access and use of space, weapons of mass destruction, and ballistic missiles are all areas where rising challenges can be seen. Encompassing yet also exceeding the traditional military domain, the first two are vitally important to our daily way-of-life and economic well-being nationwide. Likewise, the second two pose threats with obviously devastating consequences. As we develop plans and potential re-

sponses to these known threats, we need to ensure capabilities developed for known challenges possess the flexibility to deal with what we do not predict today.

U.S. STRATEGIC COMMAND MISSIONS

Question. In an overarching sense, how do you define the U.S. Strategic Command mission?

Answer. U.S. Strategic Command was created to advance a global perspective on current and emerging capabilities to counter threats to our national security. The mission of U.S. Strategic Command is to establish and provide full-spectrum global strike, coordinated space and information operations, integrate missile defense, global C⁴ISR, specialized planning expertise to joint warfighters as well as retaining the legacy missions for our nuclear forces. The intent is to meet both deterrent and decisive national security objectives globally.

Question. U.S. Strategic Command has absorbed several new missions in the last 2 years, including ballistic missile defense, space operations, ISR, information operations, and computer network security.

How successful has U.S. Strategic Command been at integrating these new missions and acquiring the expertise needed to perform them?

Answer. I understand that STRATCOM headquarters has realigned, refocused, and is energized across the full range of missions assigned. New concepts have been shaped, innovative relationships crafted, aggressive milestones established, and real progress is being made towards full operational capability in the missions assigned by the Unified Command Plan. If confirmed, I will continue to seek mechanisms, component relationships, and relationships with other combatant commanders that further develop the flexibility of pre-existing capabilities and expertise resident within the DOD and other agencies to support U.S. Strategic Command's missions. Additionally, we will continue coherent integration to advance efforts that provide new and innovative capabilities allowing the Secretary of Defense and President more flexible options in support of our strategic interests.

Question. What organizational challenges remain at U.S. Strategic Command related to these new missions? Specifically, what additional work, if any, remains to be done and what expertise, if any, needs to be acquired for these new missions?

Answer. The assignment of forces, where appropriate, and establishment of effective component relationships with Services and Agencies, as well as strong ties with our allies will continue to transform our Nation's security posture as directed in the Unified Command Plan. Partnerships with civilian agencies, private industry, and academia are vital to successfully accomplish U.S. Strategic Command's missions. If confirmed, I will investigate what if any challenges remain and how best to address any shortfalls I discover.

Question. If confirmed, would you recommend or support any changes in the missions currently assigned to U.S. Strategic Command? If so, what changes would you recommend?

Answer. U.S. Strategic Command has achieved full operational capability for the oversight and direction of all currently assigned missions. Each mission area, however, continues to develop and, if confirmed, I will continue to apply all of the commands resources to achieve full operational capability in each mission area. However, I believe that until U.S. Strategic Command achieves full operational capability in all missions, significant changes to these assigned missions should not be made.

BALLISTIC MISSILE DEFENSE

Question. How do you view the role of the Commander, U.S. Strategic Command, related to ballistic missile defense?

Answer. The Unified Command Plan directs STRATCOM to plan, integrate, coordinate global missile defense operations and support for missile defense, as well as to develop and advocate for all combatant commands missile defense characteristics and capabilities. I understand that STRATCOM has already established a Global Missile Defense Strategic Concept and is developing operational procedures to execute its Unified Command Plan missions. If confirmed, my role is to continue to provide a clear voice for other Combatant Commanders with Defense Agencies on advocating requirements and concepts of operations; and, during crisis, to provide sound alternatives for the Secretary of Defense and President across the spectrum of missile defense responses, including global strike and information operations (offensive-defense integration).

Question. If confirmed, would you recommend or support any changes in the authorities of Commander, U.S. Strategic Command, as they relate to ballistic missile defense?

Answer. At present, it appears that the level of authority given to Commander, U.S. Strategic Command, as they relate to ballistic missile defense, is appropriate.

Question. If confirmed, what role would you anticipate playing in the assessment of the military utility of ballistic missile defenses against short-, medium-, and long-range ballistic missiles?

Answer. U.S. Strategic Command is responsible for conducting a Military Utility Assessment (MUA) of the Ballistic Missile Defense System. Overall, the MUA serves as a progress report to the Secretary of Defense on the progress to date and the ultimate utility of the system. It is designed to support two purposes. First, to provide the combatant commanders' view of the military utility of the Ballistic Missile Defense System at Initial Defensive Operations in 2004. Second, to provide the combatant commander's assessment of the Ballistic Missile Defense Systems Initial Defensive Operations capabilities and limitations.

Question. What are your views on the relationship between ballistic missile defenses and nuclear deterrence?

Answer. The significant changes in the post-Cold War environment call into question the framework and analysis used at the height of the Cold War when bipolar, offensive based strategic deterrence worked well. Deterrence theory needs to adapt to the multi-faceted, multi-threat world of today. A more comprehensive framework, including missile defense, can integrate additional elements of military strategy and deny an adversary specific benefits, to complement offensive nuclear forces and assure sustainment of a deterrent capability. Robust missile defenses can make the U.S. an even more valuable partner to friends and allies and possibly begin to devalue the expensive, long-range missiles to potential rivals or foes.

Question. From the perspective of the warfighter, do you believe that the spiral acquisition of ballistic missile defenses through concurrent fielding, development, testing, and operations is appropriate?

Answer. Spiral acquisition methods facilitate collaborative processes that could incorporate rapidly evolving technologies and address ballistic missile threats in a dynamic and unpredictable security environment. I anticipate concurrent fielding activities will not only provide timely defensive coverage, but will also expedite inclusion of operational input from combatant commanders.

Question. Do you believe that the exploitation of the operational capabilities of the ballistic missile test bed provides a militarily useful capability and contributes to deterrence?

Answer. If we are able to realize the operational capabilities, they will provide two fundamental benefits. First, we gain a rudimentary defensive capability against near term threats for the United States. Second, as we exercise and test the system, we will develop better procedures and experience to ultimately transition from a primarily test configuration into full operational capability status.

Question. In your view, at what stage in the deployment of missile defense capabilities should operationally realistic testing be conducted?

Answer. If confirmed, I will examine the current state of operational testing as we prepare for initial defensive operations later this year. U.S. Strategic Command is tasked with operationalizing the capabilities being developed by the Missile Defense Agency. As an operational commander, it is essential to ensure that deployed systems will work as designed.

I understand that the operational test bed system to be deployed this fall is a rudimentary system that will provide the capability upon which to continue further spiral development work. In coordination with the Director, Operational Test and Evaluation and Missile Defense Agency, U.S. Strategic Command will assess, through the Military Utility Assessment, the degree to which delivered capabilities support execution of the missile defense mission with a focus on effectiveness, interoperability and suitability. We will quantify system performance and assess mission execution, fully aware of the developmental capabilities and limitations identified. Observations and insights on system performance gained from wargames will also be added to determine whether modifications to tactics, techniques and procedures can enhance system capabilities.

SPACE

Question. What is your view on the responsiveness of current space systems to meet warfighter needs?

Answer. Our Nation's space systems have served us well and the importance of space systems and the warfighting capabilities they afford are widely recognized across the Services and combatant commands. However, many of these systems are reaching the end of their useful life, posing challenges in our future ability to collect, assess and transmit timely, actionable information.

Question. What is your view of the ability of the DOD to develop and deploy spaces systems in a cost-effective and timely manner?

Answer. While there have been challenges with the cost and schedule performance of DOD space programs, I believe we understand the underlying reasons for many of those problems. I believe that with closer attention to three vital areas: the technical, intellectual, and industrial bases, we should be able to provide a greater impetus for success.

Question. What steps, if any, do you believe might be necessary to improve the responsiveness of current space systems?

Answer. The Department is aggressively working to improve the responsiveness of space systems. To achieve optimum responsiveness, I believe focus areas for improvement must address the following key attributes: horizontal integration—ensuring space capabilities are integrated with programs serving other functional areas; persistent capability; survivable and not bandwidth limited; and rooted in a responsive launch capability.

Question. In your view, what are the most important unmet requirements for space systems?

Answer. Persistent surveillance, increased bandwidth, survivability, and horizontal integration are all key attributes which, if confirmed, I would continue to advocate as key enhancements required of our future space systems. I would also advocate investments in science and technology to maintain our space pre-eminence well into the future.

Question. What do you believe should be done to meet those requirements, and what space programs should be accorded highest priority?

Answer. I believe we should further develop those capabilities that provide assured, worldwide survivable communications, persistent surveillance and those systems which support these capabilities. The Department has several ongoing programs to address these capability shortfall areas including Transformational Satellite Communications (TSAT), Space-Based Infrared (SBIRS), and Space-Based Radar (SBR) and Operationally Responsive Launch (ORL).

Question. How important, in your view, is persistent surveillance? What programs do you believe are best able to provide this capability?

Answer. Persistent surveillance is paramount to better understanding of adversary intentions and movements and a key contributor to a credible strategic deterrent. As our adversaries learn more about our current surveillance systems, they are able to exploit gaps in our coverage. Shorter revisit times provided by enhanced persistence allow us to operate inside an adversary's decision cycle, minimizing the potential for him to conduct complex activities out of our view. Importantly, I believe integrated airborne and space ISR programs must be employed to provide the persistence this Nations requires.

Question. In the National Defense Authorization Act for Fiscal Year 2004, Congress approved a national policy to support two space launch vehicles, or families of launch vehicles, capable of launching national security payloads into space.

What, in your view, should the United States do in the future, and what steps would you take if confirmed, to ensure continued reliable access to space?

Answer. The U.S. must maintain assured access to space. While most of the recent focus has been on launch vehicles, there are several other elements that help comprise the overall capabilities for the end-to-end process necessary for reliable access to space. If confirmed, I will support continued emphasis in all critical areas of space access including space ranges, launch facilities, support infrastructure, launch vehicles and launch services.

Question. Do you believe that the Nation should sustain redundant space launch capabilities?

Answer. There is always increased risk when relying exclusively on one system to achieve a particular capability. The history of the Space Shuttle program is ample evidence of the vulnerability in reliance on a single launch system. Our Nation's launch capability must be affordable and balanced against all elements required to maintain assured access to space.

Question. How important, in your view, is the Air Force Operationally Responsive Launch program?

Answer. Robust augmentation and reconstitution of the capabilities addressed by operationally responsive launch programs will allow the warfighter to rapidly insert emerging technologies and meet the flexibility demands necessary for today's operational concepts.

Question. In your view, what are the most significant challenges that the U.S. faces in military space programs and policy?

Answer. I believe the most significant challenges are improving U.S. launch capabilities, improving space-based ISR, reducing space system vulnerabilities, improv-

ing satellite communications, and assuring access to space. Operations in Iraq last year provided a wake up call to potential vulnerabilities of space systems we take for granted (like Global Positioning System (GPS)). If confirmed, I intend to remain committed to strengthening our space systems and ensure horizontal integration of space with other functional air, land, and sea capabilities.

CRUISE MISSILE DEFENSE

Question. In your view, how serious is the vulnerability of our Nation and deployed military forces to the cruise missile threat?

Answer. This is a serious threat. Numerous states continue to improve their ballistic and cruise missiles, focusing on longer range, better accuracy and deployment of new units. The preponderance of the cruise missiles under development can carry nuclear, biological, or chemical warheads and submunitions. Thus, prudent defense planning, active defense design, and command and control systems—both for homeland defense and regional defense of deployed forces and interests abroad—require that cruise missiles be considered. The actual assessment of vulnerability of specific targets is situation dependent and is considered in both homeland and regional defense planning.

Question. What role do you believe U.S. Strategic Command should play in the cruise missile defense of our Nation?

Answer. The Unified Command Plan (Change 2, 10 Jan 03) directs STRATCOM to plan, integrate, coordinate global missile defense operations and support for missile defense, as well as to develop and advocate for all combatant commands missile defense characteristics and capabilities. An integrated missile defense architecture must consider all credible threats including cruise missiles. STRATCOM is positioned, both by law and breadth of program oversight-space operations, offense—defense integration, and active defense integration—to provide leadership for integrating of cruise missile defense into existing capabilities. If confirmed, I will work closely with other combatant commanders, defense agencies and material developers in this regard.

NUCLEAR DETERRENCE

Question. What is your view of the significance of the nuclear triad in today's military and strategic environment?

Answer. The New Triad outlined in the Nuclear Posture Review allows us to adapt to new threats and also provide our national leaders a greater range of response options than ever before. I support the transition to our New Triad, which provides for a range of capabilities beyond our traditional nuclear forces. That said, the capabilities provided by the three components of our offensive nuclear forces are still very relevant today. They provide diversity in our deployed force that remains a viable and desired attribute in our New Triad. The three nuclear delivery means complicate potential adversary's attack planning, hedge against wholesale failure by one or more systems, reduces the risk of technological obsolescence by counter-measures developed against any particular system, and likewise, forces adversary's to consider a broad range of defense measures for themselves. The deterrent value and flexibility of options available has been greatly expanded by adding the elements included in the New Triad thereby increasing overall strategic value to the Nation.

Question. If confirmed, what priority would you place on sustaining and modernizing the nuclear triad and what steps would you recommend in that regard?

Answer. As our Nation comes to rely on a numerically smaller deployed strategic nuclear force, the imperative for modernizing and sustaining that force becomes even more critical to ensure a continued viable deterrent. If confirmed, I would give priority to supporting on going life extension programs to strategic nuclear platforms, and planned life extension programs for our nuclear stockpile. Programs such as these are, in some cases, multi-decade long events and require continuous support to ensure their successful conclusion. These are the core nuclear deterrent capabilities and must be supported.

Question. The Nuclear Posture Review recommended a new triad consisting of offensive forces, both nuclear and conventional; defenses, both active and passive; and a responsive infrastructure to support those forces. With respect to offensive forces, the Nuclear Posture Review called for improved conventional strike capabilities and nuclear forces tailored to deter adversaries.

Do you support the conclusions of the Nuclear Posture Review?

Answer. Yes. The Nuclear Posture Review (NPR) provided a good conceptual re-examination of our forces and posture and established a viable new framework to re-set how we consider our strategic Triad. The New Triad provides the Nation a

more robust flexible capability that does not only rely on offensive response as the sole deterrent mechanism.

Question. Do you believe that there is a minimum number of strategic nuclear weapons needed to sustain a viable deterrent posture?

Answer. I support the President's commitment to reduce the nuclear stockpile to the lowest number possible consistent with our national security needs. I also support the goals laid out in the Moscow Treaty of reducing our operationally deployed strategic nuclear weapons to between 1,700 and 2,200 by 2012.

Question. Do you believe new nuclear weapons are needed or will be needed to support a viable deterrent posture?

Answer. I do not foresee a need in the immediate future, but we need to ensure the Nation retains the response infrastructure that is capable of development, production, and fielding as a hedge against future uncertainty. I support the President's commitment to reduce the nuclear stockpile to the lowest number possible consistent with our national security needs. I also support the goals laid out in the Moscow Treaty of reducing our operationally deployed strategic nuclear weapons to between 1,700 and 2,200 by 2012.

Question. In your view, what steps, if any, are appropriate to tailor our nuclear forces to the new strategic environment?

Answer. Our immediately required actions are already underway as a result of the NPR and the recent stockpile reduction plan. As we develop the legs of the New Triad, we will be able to further consider appropriate changes to our existing nuclear forces. Any re-examination should look to ensure our stockpile is capabilities-based while simultaneously maintaining safety and security.

Question. In your view, is there a relationship between U.S. nuclear deterrence policy and nonproliferation policy? If so, please describe the relationship.

Answer. A credible nuclear deterrent has been an important nonproliferation tool that has removed incentives for many allies to develop and deploy their own nuclear forces. Nuclear weapons, in concert with treaty and alliance structures, have assured allies the U.S. will deter, prevent, or limit damage to them from adversary attacks. Our newly expanded definition of deterrence may in fact help discourage further proliferation. While some developing and existing nuclear powers may continue their improvement efforts, as U.S. defensive capabilities improve, this may devalue the enormous expense required to initiate nuclear capability development and lessen the proliferation drive from aspiring participants.

HARD AND DEEPLY BURIED TARGETS

Question. In your view, how adequate are current efforts to address hard and deeply buried targets?

Answer. There are hard and deep buried targets in existence today that are difficult for us to place at risk. Deterrence requires we be able to hold these targets at risk—potential adversaries obviously value them highly or they would not go the trouble of deep location and hardened protection. If confirmed, I desire to comprehensively assess the full spectrum of capabilities necessary to place these targets at risk, both kinetically and nonkinetically.

Question. If confirmed, would you support or recommend steps to improve the management or coordination of development efforts to hold at risk hard and deeply buried targets?

Answer. I wholeheartedly support identifying and analyzing the capabilities the Nation desires against such types of targets. The ultimate capability required will better direct particular development efforts across the broad spectrum of potential military solutions—kinetic and nonkinetic, nuclear, and conventional.

Question. Do you support development of new or modified nuclear weapons to hold at risk hard or deeply buried targets?

Answer. I believe we need to first determine the capability we desire against such targets and then evaluate all material and non-material solutions to engage them. Nuclear weapons are only one of many potential arrows that we could carry in our quiver against hard and deep buried targets.

ARMS CONTROL

Question. In the last several years, the United States ratified the Strategic Offensive Reductions Treaty with Russia and withdrew from the 1972 Anti-Ballistic Missile Treaty.

What is your view of the significance of strategic arms control agreements in the current environment?

Answer. Arms control agreements still remain a central feature in the strategic environment we face with other state-based actors. The recently ratified Moscow

Treaty highlights this importance and will facilitate reductions in nuclear arsenals. However, our rapidly evolving security environment is no longer hinged on a static, bi-polar relationship and the certain stability and predictability that framework brought. In the future, arms control may need to place greater emphasis on managing strategic uncertainty than on codification of specific force structures.

Question. If confirmed, what arms control initiatives, or other forms of cooperative initiatives related to armaments, if any, would you recommend?

Answer. As stated above, the evolving strategic environment may require us to reconsider the basic underpinnings of future arms control agreements. Regardless of any potential specific initiative, I feel future agreements will still have to possess confidence building measures, maintain linkage to the broader dictates of U.S. foreign and defense policy goals, provide timely and rapidly accessible information, be developed in consultation and cooperation with Congress and our allies, and most importantly, provide protection mechanisms against the shock of unexpected strategic developments.

Question. In your view, should the U.S. continue to abide by a moratorium on nuclear weapons testing?

Answer. I support our current policy and program of science-based Stockpile Stewardship. However, while this is currently sufficient, we should not preclude the ability to resume such tests if serious technical issues, or other factors, call into question our data analysis or reliability of the nuclear stockpile. I feel we need to retain our capability for testing even while we honor the moratorium on such tests.

GLOBAL STRIKE

Question. Are you satisfied with Service efforts to provide appropriate weapon systems and platforms to support the U.S. Strategic Command global strike mission?

Answer. With close cooperation of the Air Force and Navy, the Secretary of Defense just signed the Interim Global Strike Alert Order, which provides the President a prompt, global strike capability. Today, we rely upon Navy Tomahawk missiles and Air Force bombers carrying conventional cruise missiles, Joint Direct Attack Munitions and other gravity released weapons to provide this kinetic-kill solution, and our global command and control reach. U.S. Strategic Command is responsible for the advocacy of kinetic and nonkinetic capabilities that could be adapted to the global strike mission. As the Services develop new, even more responsive kinetic and nonkinetic solutions, global strike capabilities will achieve the desired effects with far greater time responsiveness.

Question. What strike weapon systems and platforms do you believe are most important in this regard?

Answer. Global strike capabilities must have a global reach and unimpeded access as well as timely response to any threat to national security. While today's global strike capability is limited, if confirmed, I will advocate advancements in kinetic and nonkinetic solutions that improve global reach and access. Global Strike effectiveness will be limited, however, without robust ISR. We must continue to improve our persistent ISR capability to obtain warning and necessary targeting information to find and fix a target before we can neutralize or destroy it through Global Strike kinetic or nonkinetic weaponry.

Question. In your view, what steps should be taken over the next 10 years to modernize and sustain the bomber fleet?

Answer. The long range bomber fleet is an essential element of the Nation's strategic deterrent force and STRATCOM's nuclear and Global Strike capability. The Air Force is currently executing plans to sustain and modernize our bomber fleet through 2037. Programmed upgrades to all three platforms including radar modernization, survivable communications and defensive/offensive systems upgrades are essential for the fleet to fulfill the new combat capabilities demanded by Global Strike. If confirmed, I intend to keep the Command fully engaged in advocating associated requirements and improving the fleet's concepts of operation.

STOCKPILE STEWARDSHIP PROGRAM

Question. What is your view of how well the Stockpile Stewardship Program is proceeding towards its goal of being able to continuously assess and annually certify the U.S. enduring nuclear weapons stockpile as safe, secure, and reliable, without the need for underground nuclear testing?

Answer. The science-based Stockpile Stewardship Program continues to improve and the combined efforts of STRATCOM and the National Nuclear Security Administration (NNSA) should be able to continue to certify the safety and reliability of the stockpile without resorting to underground testing anytime in the near future. To the best of my knowledge, we have no immediate need to, and no current plans

to, recommence underground testing. What I think we do not want to do is preclude our ability to resume such tests if we find technically compelling reasons in future that call into question our data or weapons reliability.

Question. In your opinion, what are the biggest challenges for the Stockpile Stewardship Program?

Answer. I think the program faces several challenges. The first is maintaining sufficient funding to ensure our current facilities are developed and maintained to world-class standards to support our national security requirements. The second major challenge as I understand it, is an acute aging of the scientific/engineering community in several areas of nuclear weapons research. This is particularly evident in the nuclear effects arena. Throughout a variety of nuclear weapons related scientific and engineering activities there is a lack of young scientists and engineers available and willing to undertake and persist in requisite apprenticeships to replace the expertise that is and soon will be retiring. Finally, as our stockpile ages, I believe we may need to reevaluate the baseline assumptions of a purely science based approach as there is little to no experience in extrapolating such complex matters over long periods of time. If confirmed, I look forward to working with our partners at NNSA in addressing these potential challenges.

PIT PRODUCTION CAPABILITY AND MODERN PIT FACILITY

Question. The Under Secretary of Defense for Policy stated in testimony before the Senate Armed Services Committee on February 14, 2002, "I believe that of the countries that have nuclear weapons, we are the only one that does not have the capability to manufacture new nuclear weapons now." Since that time, Los Alamos National Laboratory has added the capability to manufacture small numbers of W88 pits, however, the United States still does not have a flexible production capability.

What is your view of the need for the United States to restore its pit production capability beyond the limited capability at the Los Alamos National Laboratory?

Answer. The third leg of our new triad of flexible response capabilities is an R&D and industrial infrastructure needed to develop, build, and maintain nuclear offensive forces and defensive systems. The limited pit production capability at Los Alamos is one element of this Triad leg that is lacking in sufficient capability should the need arise. In order to be responsive, achieve the planned stockpile reductions without further risk, and maintain our commitment to a second-to-none strategic deterrent, it is vital that the U.S. develop a more robust pit production capability.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Commander, U.S. Strategic Command?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JOHN MCCAIN

ASSURED ACCESS TO SPACE

1. Senator MCCAIN. General Cartwright, in the National Defense Authorization Act for Fiscal Year 2004, Congress approved a policy to support two space launch vehicles capable to support a policy of assured access to space. The result has been significant cost overruns to the taxpayer in keeping duplicate systems in place. Do

you believe we should reconsider this policy in favor of affordable access to space at any time, rather than assured access to space at any cost?

General CARTWRIGHT. United States national security is highly dependent on space capabilities. It is essential that our combatant commanders be provided these capabilities when needed. We are moving toward the next generation of launch technologies that should give us reliable, routine, and affordable access to space in the future.

QUESTIONS SUBMITTED BY SENATOR JACK REED

ICBM AND NUCLEAR WEAPONS

2. Senator REED. General Cartwright, there are several studies underway looking at the next generation bomber or other options for long range global strike in the future. There are a wide variety of options including manned and unmanned vehicles under discussion. In addition, the Air Force will shortly begin to conduct an analysis of alternatives for a new land-based intercontinental ballistic missile (ICBM). Options that are being suggested in both contexts include using conventional warheads on intercontinental ballistic missiles. Have you looked at this option; and, if you have, do you have any thoughts on whether it is practical, affordable, and how it would not be confused with a nuclear ICBM?

General CARTWRIGHT. The Services are examining several possibilities of conventional strike through space to provide a practical, affordable global strike capability. This effort meets the Nuclear Posture Review goal of enhancing our deterrent posture with a mix of advanced concepts, to provide a full range of options for our Nation's leaders. Initial studies indicate there is a set of workable and affordable measures that could effectively reduce the risk of any major power confusing a conventional strike with a nuclear attack.

3. Senator REED. General Cartwright, are there any military requirements for new nuclear weapons?

General CARTWRIGHT. Currently, there is no military requirement for a new nuclear weapon. The military does have a requirement to defeat hard and deeply buried targets that currently cannot be held at risk. We are studying several options to achieve this capability.

4. Senator REED. General Cartwright, what are your views on whether new nuclear weapons are needed and under what circumstances?

General CARTWRIGHT. Currently, there is no military requirement to develop a "new" nuclear weapon. As stated in the 2001 Quadrennial Defense Review and Nuclear Posture Review, the post-September 11 future is uncertain and requires a force structure that can effectively adapt to unexpected shifts in the geo-political landscape. I cannot anticipate whether future circumstances may drive the development of a completely "new" nuclear weapon.

NUCLEAR POLICY AND NONPROLIFERATION

5. Senator REED. General Cartwright, it has been said that the world watches us like a hawk when it comes to nuclear weapons and nuclear policy. If the United States should decide to develop new nuclear weapons or resume nuclear weapons testing in support of either new or modified nuclear weapons, what signal would this send or what impact would it have on those countries that are seeking nuclear weapons, such as Iran or North Korea?

General CARTWRIGHT. Deterrence is the capacity to dissuade others from taking action contrary to our vital interests by maintenance of overwhelming power. Nuclear capabilities are a cornerstone of our national deterrence strategy. Maintaining the safety and reliability of those weapons demonstrate a strong national resolve to remain a global power. The decision to resume testing lays with the President of the United States if a need arises.

NUCLEAR WEAPONS TESTING

6. Senator REED. General Cartwright, in pre-hearing questions you were asked if, in your view, the U.S. should continue to abide by the moratorium on nuclear weapons testing. In your response you said that while you support current policy "we should not preclude the ability to resume such tests if serious technical issues, or

other factors call into question our data analysis or reliability of the nuclear stockpile." Could you please explain what you mean by "other factors?"

General CARTWRIGHT. The United States is attempting to maintain weapons that contain primary elements that naturally decay. Without testing, we continue to modify the weapons to make them more reliable and safer. The "other factors" include the uncertainty of untested design configurations, metallurgy changes due to radioactive decay, and limitations of models built without empirical test data. These factors, combined with technical issues discovered from component testing, could support consideration for future testing.

7. Senator REED. General Cartwright, the resumption of nuclear weapons testing has been reserved for a situation when the safety or reliability of a nuclear weapon essential to the U.S. stockpile is no longer able to be certified. Could you please explain what you mean by "call into question our data analysis?" By this statement do you mean to lower the threshold for a resumption of nuclear weapons testing?

General CARTWRIGHT. The United States Government currently relies on the analytical tools of the Stockpile Stewardship Program to ensure our aging stockpile remains safe and reliable over time. The phrase "call into question our data analyses" refers specifically to possible limitations of the current models that support certification.

FUTURE SPACE SYSTEMS

8. Senator REED. General Cartwright, the 1996 National Security Space Policy is in the process of being changed. The new policy is projected to be finished in the fall. If confirmed, will you have an opportunity to participate in or comment on the new policy?

General CARTWRIGHT. Yes, the STRATCOM staff is engaged with the Joint Staff and the Office of the Secretary of Defense on this issue.

9. Senator REED. General Cartwright, do you have any thoughts on how any specific areas or issues should be addressed? For instance, would you support development and deployment of space based electronic attack satellites?

General CARTWRIGHT. United States space systems provide unique capabilities and offer global force enhancements critical to prevailing during military operations today and tomorrow. Our recent operations in Afghanistan and Iraq demonstrate that given the opportunity and capability, an adversary will likely contest our ability to use space assets. Although these adversaries employed nascent capabilities in their counter-space effort, it demonstrated the importance of being able to maintain space control capabilities.

CONFIDENCE IN MISSILE DEFENSE

10. Senator REED. General Cartwright, by September the administration plans to deploy a national missile defense system, and you will have the responsibility to ensure this system protects the United States from long-range missile attack. You will also bear responsibility if this system fails in the unlikely event it is called upon to defend this country.

At this point in time, neither the new operational interceptor, nor the operational radar, nor the operational software of this system have ever been tested in an actual intercept test. The last intercept test of this system, which occurred way back in December 2002, was a failure.

The next intercept test (which is described as a "fly by" even though it is really intended to hit the target) had been scheduled for March, but has been delayed again and again because of technical problems, and now is not scheduled until August.

In March, I asked the Pentagon's chief tester, Tom Christie: "So at this time we cannot be sure that the actual system would work against a real North Korean missile threat?" Mr. Christie replied: "I would say that's true."

Given all of this, what confidence do you have that the system to be deployed in September will actually be capable of defending the U.S. against a missile attack, and what is the basis for your level of confidence?

General CARTWRIGHT. STRATCOM is working closely with the Missile Defense Agency, the Director of Operational Test and Evaluation, and other combatant commands towards initial defensive capability. Barring unforeseen complications, we will be prepared to operate a rudimentary defensive capability this year. A Military Utility Assessment in progress forms the basis for this confidence. This iterative,

event-driven assessment is the mechanism for evaluating system capabilities and provides for periodic assessments of system effectiveness and suitability. It utilizes a full range of missile defense testing, modeling, and simulation tools.

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

ENSURING ACCESS TO SPACE

11. Senator BILL NELSON. General Cartwright, in your view what are your highest priorities in ensuring that the U.S. maintains the ability to access space and about what do you most worry?

General CARTWRIGHT. The Nation's ongoing efforts to maintain reliable access to and operations in space are paramount. We must continue to accurately assess and maintain the quality of our launch vehicles, facilities, and control systems. My highest priorities are space protection, responsiveness, affordability, and infrastructure.

COORDINATION AND COOPERATION WITH NASA

12. Senator BILL NELSON. General Cartwright, there is not significant coordination and cooperation with NASA and the DOD on space research and development. In your view what are the opportunities for improved or new cooperative work with NASA on space systems?

General CARTWRIGHT. The Department of Defense and National Aeronautics and Space Administration recognize mutual support is in the best interest of the Nation. Today, we are focusing our collaboration efforts in four major areas: interagency cooperation, science and technology developments, space operations, and human space flight activities. To advance those efforts we have established the Partnership Council, the Space Technology Alliance, the National Aerospace Initiative, the Space Exploration Steering Council, the Space Experimentation Review Board, and the Space Test Program.

SPACE SYSTEMS

13. Senator BILL NELSON. General Cartwright, many of the key space systems are substantially over budget and behind schedule, due in large part to an inability to resolve the requirements for the systems and underestimating the complexity of the technology. What role will you play in developing requirements and improving the way requirements for space systems are developed and technologies adopted?

General CARTWRIGHT. I see STRATCOM's role as the broker for warfighter requirements to ensure combatant commanders' needs are met. Recent progress has been made through the National Security Space Programs Acquisition process. In addition, the Defense Department's Joint Capabilities Integration and Development system promises greater linkage between the requirements, acquisition, and planning and programming processes. Together these improvements will enhance the space systems acquisition process. Close interaction with STRATCOM's component commands and services will ensure future space systems are designed, funded, fielded, and sustained as end-to-end systems that meet the requirements of all stakeholders.

GLOBAL STRIKE

14. Senator BILL NELSON. General Cartwright, one of the new Strategic Command missions is encompassed in the Global Operations Division. In many ways this division appears to overlap or duplicate planning and operations previously conducted by the regional commanders. What is your thinking on this new mission and how should Strategic Command support the other commanders in planning global operations?

General CARTWRIGHT. The Global Operations Directorate, in concert with other STRATCOM directorates, collaborates with the regional commanders to accomplish STRATCOM's newly assigned missions. STRATCOM leverages headquarters-based and component expertise to enhance, augment, and complement regional commanders' operations. STRATCOM also integrates the newly assigned missions in its supporting plans to regional commanders. STRATCOM's global focus leverages worldwide DOD asset availability and, with the regional commanders, develops solutions on a macro-scale to resolve issues within each region and across area of responsibility.

ity seams. Mission duplication is eliminated through ongoing collaboration and co-operation between STRATCOM and the regional commanders.

MISSILE DEFENSE TESTING

15. Senator BILL NELSON. General Cartwright, the last missile defense intercept test, held in December 2002, was a failure. As of now, there are just two missile defense intercept tests scheduled prior to the system being declared operational in September. How will the results of these tests impact your view of whether the system is effective? For example, what if one or both test fail—would you recommend to the President that the system be deployed anyway?

General CARTWRIGHT. The failure of a single test or a series of tests would not necessarily preclude my recommendation to deploy the system. The root cause of any test failure must be determined and evaluated.

[The nomination reference of Lt. Gen. James E. Cartwright, USMC, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 15, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, Section 601:

To be General.

Lt. Gen. James E. Cartwright, 5961.

[The biographical sketch of Lt. Gen. James E. Cartwright, USMC, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LT. GEN. JAMES E. CARTWRIGHT, USMC

Date and place of birth: September 22, 1949; Rockford, IL.

Date of first commission: November 1, 1971.

Years of commission: 32.

Education:

Education	Year Completed
Civilian:	
BS, University of Iowa	1971
Military:	
The Basic School	1972
Naval Flight Officer Training	1973
Naval Aviator Flight Training	1979
Air Command and Staff College	1986
Naval War College	1991

Command experience:

	From	To	Grade
MALS-12, Marine Aircraft Group 12 (Squadron Commander)	1989	1990	LtCol
VMFA-232, Marine Aircraft Group 24 (Squadron Commander)	1991	1992	LtCol
MAG-31, 2nd Marine Aircraft Wing (Group Commander)	1994	1996	Col
U.S. Marine Corps Forces Atlantic (Deputy Commander)	1999	2000	BGen
1st Marine Aircraft Wing (Commanding General)	2000	2002	BGen/MajGen

Major staff assignments:

	From	To	Grade
F/A-18 Program, Naval Air Systems Command (Deputy Assistant Program Manager)	1986	1989	LtCol
Aviation Plans, Policy and Budget Branch, Aviation Department, HQMC (Assistant Branch Head).	1993	1994	LtCol/Col

Joint duty assignments:

	From	To	Grade
Director, J-8, Joint Staff (Special Assistant)	1996	1997	Col
Resources and Requirements, J-8, Joint Staff (Deputy Director)	1997	1999	8Gen
Force Structure, Resources and Assessment J-8, Joint Staff (Director)	2002	present	LtGen

Special Qualifications:

Personal Decorations: Defense Distinguished Service Medal; Legion of Merit w/gold star, Meritorious Service Medal, Navy Commendation Medal w/gold star, Navy Achievement Medal.

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lt. Gen. James E. Cartwright, USMC, in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

James E. Cartwright.

2. **Position to which nominated:**

Commander, United States Strategic Command.

3. **Date of nomination:**

June 15, 2004.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

September 22, 1949; Rockford, IL.

6. Marital Status: (Include maiden name of wife or husband's name.)

Married to Sandra K. Waltz.

7. Names and ages of children:

Jayne Elizabeth Cartwright, 24 years, birthdate: September 20, 1979.

Billee Ann Bennett (married); 29 years, birthdate: March 18, 1974.

8. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

None.

9. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

10. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

None.

11. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

None.

12. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

I do.

13. Personal views: Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

I do.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JAMES E. CARTWRIGHT.

This 11th day of June, 2004.

[The nomination of Lt. Gen. James E. Cartwright, USMC, was reported to the Senate by Chairman Warner on July 8, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 8, 2004.]

NOMINATIONS OF VADM TIMOTHY J. KEATING, USN, FOR THE APPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, UNITED STATES NORTHERN COMMAND/COMMANDER, NORTH AMERICAN AEROSPACE DEFENSE COMMAND; LTG BANTZ J. CRADDOCK, USA, FOR THE APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES SOUTHERN COMMAND; PETER CYRIL WYCHE FLORY TO BE ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY; AND VALERIE LYNN BALDWIN TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

WEDNESDAY, JULY 21, 2004

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:37 a.m., in room SR-222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Roberts, Allard, Talent, Chambliss, Dole, Levin, Kennedy, E. Benjamin Nelson, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; Regina A. Dubey, research assistant; Brian R. Green, professional staff member; Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Paula J. Philbin, professional staff member; Lynn F. Rusten, professional staff member; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Madelyn R. Creedon, minority counsel; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; Maren R. Leed, professional

staff member; Peter K. Levine, minority counsel; Michael J. McCord, professional staff member; and William G.P. Monahan, minority counsel.

Staff assistant present: Alison E. Brill.

Committee members' assistants present: Darren M. Dick, assistant to Senator Roberts; Jayson Roehl, assistant to Senator Allard; Clyde A. Taylor IV, assistant to Senator Chambliss; Christine O. Hill, assistant to Senator Dole; David S. Lyles, assistant to Senator Levin; Mieke Y. Eoyang, assistant to Senator Kennedy; Jarret A. Wright, assistant to Senator Kennedy; William K. Sutey and Peter A. Contostavlos, assistants to Senator Bill Nelson; and Terri Glaze, assistant to Senator Pryor.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. The committee will come to order.

We here on the committee are very pleased that we have four distinguished nominees this morning in the advice and consent process, which—I will explain for the benefit of some of the newer members here—is established by the Constitution of the United States, giving the United States Senate a very special and very important authority to review the nominations forwarded by the President of the United States, whoever that may be, to the Senate for confirmation.

On our first panel, we have two military nominees. Vice Admiral Timothy J. Keating, United States Navy, has been nominated to be Commander of the United States Northern Command (NORTHCOM) and the North American Aerospace Defense Command (NORAD). Lieutenant General Bantz Craddock, United States Army, has been nominated to be Commander, United States Southern Command (SOUTHCOM).

We welcome you, gentlemen, and your families. I wonder if at this time, Admiral, you would introduce your family that is here with you.

Admiral KEATING. I would be delighted, Senator. Thank you, Mr. Chairman. My wife, Wanda Lee. We have been married for decades. [Laughter.]

She does not look it. I do.

Chairman WARNER. Thank you very much. That is clear and to the point. [Laughter.]

General Craddock.

General CRADDOCK. Mr. Chairman, thank you. My wife, Linda, is with me today. We too have been married for decades, I guess. [Laughter.]

She has been with me every step of the journey of this military career. My daughter, Amanda, who is also here today, is the Assistant Dean of Admissions at the University of Mary Washington in Fredericksburg. We are very proud of her. A dear friend, Gail Lovelless, who is beside Amanda, is also joining us today. Thank you, sir.

Chairman WARNER. Thank you very much, gentlemen.

In our second panel, we will consider two civilian nominations. Peter Flory has been nominated to be the Assistant Secretary of Defense for International Security Policy, and Valerie Baldwin has

been nominated to be the Assistant Secretary of the Army for Financial Management and Comptroller. I wonder, Mr. Flory, if you would introduce your family at this time please.

Mr. FLORY. Senator, my wife Kathleen, to whom I have been married, also for decades. [Laughter.]

Just barely. My son, Seamus Flory, 16; my son, Xavier Flory; and my daughter Fiona. Will you stand up please? My youngest daughter, Mairead, who is 4. There are two others who are not here. They are at camp. I am sure they would rather be here.

Chairman WARNER. Well, you are very well represented. Thank you.

Ms. Baldwin, if you would, kindly introduce those that have joined you today.

Ms. BALDWIN. Thank you, sir. First of all, I would like to introduce my brother, Louie Lemert, and substituting for my parents who could not be here from Kansas today, I have Don and Carol Muntz and Kevin Delany, and later on, sir, I hope you will bear with me, I think that a number of my younger godchildren are going to be arriving.

Chairman WARNER. I understand you are the godmother to four individuals. Is that correct?

Ms. BALDWIN. Actually five, sir, two of whom are my nephews.

Chairman WARNER. That is a very important function. Well, we welcome the families. Our committee urged the nominees to bring their families. I myself proudly sat at that table, oh, my gracious, 30 some odd years ago.

Senator LEVIN. Decades ago. [Laughter.]

Chairman WARNER. Senator Levin and I have been seated side by side on this committee for 26 years.

Senator LEVIN. Decades. [Laughter.]

Chairman WARNER. But we recognize the importance—and it is becoming of increasing importance in military life—of the role of the families. Throughout history, it has been that wonderful family that stood beside that soldier, sailor, airman, and marine, as he or she has been deployed beyond our shores, and the family that packs and moves, and packs and moves, and packs and moves in the careers of our military. So we thank you, and we are glad to have you here. You are every bit a part of this nomination process.

Now, Admiral Keating, I shall briefly mention your very distinguished career as a naval aviator, he is presently serving as Director of the Joint Staff. He has commanded a fighter attack squadron, a carrier based wing, a carrier battle group, and most recently commanded United States Naval Forces Central Command (NAVCENTCOM), and the U.S. Fifth Fleet during Operation Iraqi Freedom (OIF).

I remember very well, as does my distinguished colleague, Mr. Levin, when we came to visit you in Qatar in February 2003, and you briefed us on the naval responsibilities for the forthcoming operation in Iraq.

Previously you served as Deputy Chief of Naval Operations (CNO) for Plans, Policy, and Operations and as the Deputy Director for Operations, J-3, on the Joint Staff. We welcome you again, Admiral.

Admiral KEATING. Thank you, sir.

Chairman WARNER. General Craddock is currently assigned as the Senior Military Assistant to the Secretary of Defense, and when we have the privilege of visiting with the Secretary in his spaces, you are always there silently, discreetly at a distance, taking notes, but ready with a firm hand to grab any of us who get out of order and chuck us out. [Laughter.]

I witnessed that not for a Member of Congress, but somebody else. I was rather impressed—[Laughter.]

—how firmly you got that individual settled and back.

He has had various assignments in the United States Army, in Europe with the 7th Army in Germany, and culminating in his command of the 1st Infantry Division.

General Craddock served in Kosovo from 1998 to 1999 as the Commander, Multinational Brigade, and as the commander of an armored battalion during Operation Desert Storm, for which he was awarded the Silver Star.

General Craddock has also served previously on the Joint Staff as Assistant Deputy Director for Strategy and Policy, J-5.

General Craddock, I congratulate you on your nomination for this important command, as I do you, Admiral.

Now, we have a series of pre-hearing policy questions. You have given your answers. They are now a part of the record available for all members to examine, and I will put them in without objection into the record.

I also have certain standard questions we ask of every nominee who appears before the committee. At this time, I will propound those questions to our first two panelists, with the understanding that we may have to stop. If someone would advise me if the Member of Congress, Mr. Lewis, arrives.

So to our first panel, have you adhered to applicable laws and regulations governing conflict of interests?

Admiral KEATING. I have.

General CRADDOCK. I have.

Chairman WARNER. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Admiral KEATING. No, sir.

General CRADDOCK. I have not.

Chairman WARNER. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in the hearings?

Admiral KEATING. I will, sir.

General CRADDOCK. I will, sir.

Chairman WARNER. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Admiral KEATING. Yes, sir, I will.

General CRADDOCK. Yes, sir.

Chairman WARNER. Will those witnesses be protected from reprisal for their testimony or briefings?

Admiral KEATING. Yes, sir.

General CRADDOCK. Yes, sir.

Chairman WARNER. Do you agree, if confirmed, to appear and testify upon request before this committee?

Admiral KEATING. Yes, sir.

General CRADDOCK. Yes, sir.

Chairman WARNER. Do you agree to give your personal views when asked before this committee to do so even if those views differ with the administration at that time in office?

Admiral KEATING. Yes, sir.

General CRADDOCK. Yes, sir.

Chairman WARNER. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by this committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Admiral KEATING. I do.

General CRADDOCK. I do.

Chairman WARNER. Senator Levin, do you have some comments for this first panel?

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you. Let me first join you in welcoming Admiral Keating and General Craddock and their family members. I wholeheartedly join your sentiments about the relevance and importance of family to the careers of these nominees, as well as to all of the members of this wonderful military profession.

Admiral Keating has been nominated to be the second commander of the relatively new Northern Command, as well as to assume the command of NORAD. His nomination comes at a juncture where we are receiving almost daily reminders of the ongoing terrorist threat. Two weeks ago, Secretary Ridge told the public that we face an increased risk of attack this summer. He said that "credible reporting now indicates that al Qaeda is moving forward with its plans to carry out a large scale attack on the United States in an effort to disrupt our democratic process."

A few months ago, Thomas Kean, the chairman of the panel investigating the September 11 attacks, said in an interview with the Philadelphia Inquirer that, "Every single person whom we have talked to who is considered knowledgeable in this study expects another attack."

Meanwhile, in a newly released book, Steve Flynn, a retired Coast Guard Commander and senior fellow at the Council on Foreign Relations, stated that: "With the exception of airports, much of what is critical to our way of life remains unprotected: water and food supplies, refineries, energy grids and pipelines, bridges, tunnels, trains, trucks, and cargo containers, as well as the cyber backbone that underpins the information age in which we live. The security measures we have been cobbling together are hardly fit to deter amateur thieves, vandals, and hackers, never mind determined terrorists." "Worse still," he said, "small improvements are often oversold as giant steps forward, lowering the guard of average citizens as they carry on their daily routine with an unwarranted sense of confidence."

Against this backdrop, the Northern Command continues to be, as the former deputy commander told committee staff a few months ago, an evolving command. NORTHCOM is working to address the challenge of developing intelligence sharing and commu-

nication systems that are interagency and involve State and local authorities. NORTHCOM and NORAD are working to improve North America's air defense system and to develop systems for managing maritime and land security.

Admiral Keating, I look forward, as all of us do, to hearing some of your thoughts as to how we can do that and, if you are confirmed, working with you to ensure that Northern Command is a robust, fully capable command.

General Craddock, you have been nominated to assume command of the U.S. Southern Command at a time when political and economic stability in the western hemisphere is shaky in several areas that are critical to us—from their contribution to fighting illegal drug production and trafficking and for maintaining stability in Latin America and the Caribbean. We are watching with interest and concern the political developments in Peru, Bolivia, and Venezuela. The United States continues to have a great stake in the struggle against the armed insurgent narcotraffickers in Colombia. In Haiti the government still does not control about half of the country. Security remains dependent on the roughly 2,000 troops that are there now.

The Southern Command is also responsible for detainee operations in Guantanamo Bay, Cuba, and that is an issue of great concern to this committee and to the American people. If confirmed, it is my hope that we can work closely with you, General, to address the challenges of implementing detainee policies within the context of U.S. and international law and to address U.S. national security interests in Latin America and the Caribbean.

Again, thank you both for your service to this country and thanks to your families for their contribution to your service.

Chairman WARNER. We are ready to proceed. Do any other colleagues desire to address our witnesses this morning?

Senator Allard.

Senator ALLARD. Just briefly, Mr. Chairman. I know you want to get on to hear from them, as I do. I think we have an outstanding and talented group of professional soldiers and civilians before us. Admiral Keating, I guess, realizes that it has been a few million years since we have had a coastline in Colorado where Northern Command is. [Laughter.]

But on a more serious note, we do need his expertise. I do not think we talk enough about how vital Northern Command is to actual homeland defense. That is very key.

Chairman WARNER. Integral.

Senator ALLARD. One of our challenges, obviously, is the ports. So I am absolutely delighted to see somebody with his kind of background and qualifications moving to Colorado to join us out there.

Admiral KEATING. Thank you, sir.

Senator ALLARD. Also, I look forward to working with Peter Flory, who is the President's nominee for Assistant Secretary of Defense for International Security Policy. The issues that he will be dealing with are issues that I have in my subcommittee: missile defense, nuclear programs, as well as the security treaties.

So I look forward to working with them and look forward to their testimony. Thank you, Mr. Chairman.

Chairman WARNER. Thank you.

Senator Dole.

Senator DOLE. Admiral Keating, I would like to congratulate you on your nomination as NORTHCOM and NORAD Commander, and I certainly look forward to working with you on the homeland defense and civil support missions that have become increasingly important as we continue to execute the war on terror.

You played a very commendable role in orchestrating the successful liberation of Iraq as the naval component commander, and while your expertise will be central in maintaining a strong defense against airborne threats, I am encouraged to see your strong interest in improving maritime security awareness as a part of our National defense strategy.

General Craddock, I also look forward to working closely with you in your very important role of supporting our national security. SOUTHCOM operations in Haiti, Colombia, and Cuba in the drug war, hurricane assistance, and peacekeeping are often relegated to the back pages of our newspapers but are extremely important in maintaining a strong front in the war on terror. While many successes may not be covered with much fanfare, I particularly want to commend the men and women in SOUTHCOM who are meeting the challenges of their difficult mission with such dedication.

I look forward to hearing your testimony and strongly supporting your nominations.

Admiral KEATING. Thank you.

General CRADDOCK. Thank you.

Chairman WARNER. Thank you very much.

Anyone else, colleagues? Thank you very much.

Admiral, will you kindly give your opening statement to the committee this morning?

STATEMENT OF VADM TIMOTHY J. KEATING, USN, FOR THE APPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, UNITED STATES NORTHERN COMMAND/COMMANDER, NORTH AMERICAN AEROSPACE DEFENSE COMMAND

Admiral KEATING. Mr. Chairman, it is a real thrill and an honor to appear before you and your colleagues in this historic chamber. Wanda Lee and I are very excited at the prospect of continuing to serve our great Nation.

It is a personal privilege for me to sit next to John Craddock, a fellow with whom I have had the pleasure of working for the past year. I have come to appreciate and recognize his talents and his dedication.

I look forward to your questions, sir.

Chairman WARNER. Thank you very much.

General Craddock.

STATEMENT OF LTG BANTZ J. CRADDOCK, USA, FOR THE APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES SOUTHERN COMMAND

General CRADDOCK. Sir, I just have very brief remarks. To you sir, Mr. Chairman, and distinguished members of the committee, again thank you for the opportunity to appear here today and to appear here with Vice Admiral Keating.

The members of the committee may not be aware of the fact that, as Tim said, over the past year or so he has been the Director of the Joint Staff and I have been the Senior Military Assistant to the Secretary of Defense, and in those assignments, we meet every day and we discuss and work the activities and the issues of the Department of Defense (DOD). So it is good to be here today with my wingman, Tim Keating. He is a great officer, a great leader, and I hear a fair-to-middling naval aviator.

I would like to thank the committee for this opportunity to appear before you. I know you have a full schedule, a very hectic schedule this week and a lot of work, and we certainly appreciate your time.

I am honored to have been nominated by the President for the position of the Commander of the United States Southern Command. If confirmed, I look forward to working with the members of this committee, as well as with all Members of Congress, in carrying out this important task.

Mr. Chairman, I am prepared to answer your questions.

Chairman WARNER. Thank you.

This is a changed world in which we live, and those of us who are privileged to work here in the environs of Capitol Hill from time to time, in a very quiet and orderly way, accept situations, and I have just been informed that the Dirksen and Hart buildings are being evacuated. Thus far, this building is not under an evacuation order, but I wish to inform anyone who, for whatever reason, might desire to depart now. I do not know the causes for the evacuation of the other buildings. I will keep the persons in this room promptly informed as information comes to me.

In the meantime, I intend to continue this hearing. I will start a brief question period of 6 minutes each for our members, and then we may go into a second round.

First, to you, Admiral, I am going to read from the questions that our committee propounded and your response: "Several proposals have been made to expand NORAD's focus from air to air, land, and sea. The Chief of Naval Operations has suggested creating a 'maritime NORAD,' and a recent Defense Science Board study recommended that the Department improve and integrate its maritime intelligence, surveillance, and reconnaissance assets with those of the Departments of Homeland Security, Transportation, the Central Intelligence Agency (CIA), and the Federal Bureau of Investigation (FBI). What do you think would be the advantages and disadvantages of such an approach?"

You gave a fairly detailed answer: "I believe that improving our awareness of the maritime domain is critical to the security of the United States. There are vulnerabilities in our maritime approaches. Numerous initiatives, including the 96-hour notice of arrival requirement to offload at a U.S. or Canadian port and the automatic identification system—a maritime equivalent to Federal Aviation Administration (FAA) transponders—are being implemented to improve our maritime awareness." I am going to put the rest of it in the record. [See prepared questions at the conclusion of the testimony.]

But I am interested to have a clear understanding of your role in the maritime domain together with your partners, so to speak,

the Coast Guard and the Homeland Security Department. Specifically, you have the rather awesome responsibility of having aircraft on standby at various locations in our country to interdict any aircraft for reasons which are clearly identified in all of the documents that have been thought through very carefully.

By coincidence, the last evacuation of this building occurred here just weeks ago when an unidentified aircraft approached National Airport, and I think authorities responded quite appropriately and ordered the evacuation of the Capitol and these buildings. It was later found to be a miscommunication and a faulty transponder.

But that is a heavy responsibility, and I am interested in the maritime side of it. Should we have, for example, in our ports, on a standby basis, surface craft or perhaps helicopters under the maritime command to respond instantly to a suspicious situation and if necessary to apply force to interdict that situation before it comes into the port system?

Admiral KEATING. Mr. Chairman, I would say the shortest answer I could give you is I do not think we need that capability in a general port as we understand the term today. From my current position as the Director of the Joint Staff and some discussions I have had with some staffers from Northern Command, I am aware that there is increased interest and emphasis on intelligence fusion and intelligence sharing. In my view that is a linchpin for attacking this problem of maritime domain awareness and protection of the coastal United States, including our ports.

As we get better at fusing this intelligence, we will be able to pinpoint with greater accuracy, both in terms of location and time, where we may need to position forces when authorized by the Secretary of Defense or the President to respond to a situation you described. I am unaware of a situation like that at this time, sir.

Chairman WARNER. Well, supposing some craft, not unlike a pleasure craft, were to stash aboard it a lot of explosives, not unlike what we saw happen to the U.S.S. *Cole*, and suddenly decide to head into the Norfolk port and hit the first target they could find. What would we do? Is that part of your jurisdiction or is that the Coast Guard?

Admiral KEATING. Both, I would say, Senator. It is my understanding—and I have some knowledge here from previous lives in the Navy—that there are layered force protection measures in effect. So it is unlikely, not impossible, but very unlikely, that a boat as you describe could come up alongside a naval vessel or Coast Guard vessel in Norfolk harbor or any other military harbor and get that close without some sort of challenge and, with sufficient time, response from watch teams on the ships and on boats that are patrolling the waters.

The Northern Command, I understand, works very closely with the Coast Guard. There is a joint interagency coordination group that examines situations just as you describe. This group fuses the intelligence, and focuses their assets both on a State and a local level in coordination with the Department of Homeland Security to respond to situations.

Chairman WARNER. Well, suppose that vessel did not approach a military vessel but approached a civilian vessel. Is there a suffi-

cient watch on that vessel? Suppose it is just in a routine offloading or onloading of cargo.

Admiral KEATING. Probably not, sir.

Chairman WARNER. Is that a gap that should be addressed?

Admiral KEATING. I am certain it is being considered, Senator, and the short answer to your question is yes, it should be at least considered. Now, the fix is a challenge. I do not believe it is possible to protect every ship in every harbor. But I have some experience here. As you mentioned, I spent some time in Bahrain and while there was tasked with maritime interdiction operations. The forces in my command were required to intercept and investigate every ship going into and out of the north Arabian Gulf waters. It is a challenge. It is doable. It is asset-intensive, both in terms of ships and young men and women who are trained for the mission. So we have a significant amount of capability and experience here. It is dedicating the right resources to that situation if our intelligence tells us it is appropriate to do that.

Chairman WARNER. The inspection of containers, does that come within your sphere of responsibility?

Admiral KEATING. No, sir.

Chairman WARNER. That is Coast Guard?

Admiral KEATING. Correct, sir.

Chairman WARNER. Well, when you have these overlapping jurisdictions of three entities of our Government, namely your command now, Coast Guard, and the Department of Homeland Security, and indeed the indigenous port security provided by the local community in the port, I just hope that you have the opportunity to really determine if there are gaps in this coordinated activity that have to be filled. It is a perplexing and daunting task. Something like several thousand containers a day enter the United States, and people are being requested to be held responsible for the contents of all them. It is just a very challenging task.

Admiral KEATING. Yes, sir, it is.

Chairman WARNER. General Craddock, there is current interest in how the U.S. conducts detainee and interrogation operations in the global war on terrorism. What will be your role and responsibilities in the conduct of detainee operations and interrogations at Guantanamo (GITMO)? What responsibility will you have for training or promulgating techniques and procedures for other theaters of operation in your area of responsibility (AOR)?

General CRADDOCK. Mr. Chairman, assuming confirmation as Commander of SOUTHCOM, I would be responsible and be the Commander of the Joint Task Force (JTF) at Guantanamo, which is the JTF that provides security for and interrogation operations of the detainees at GITMO. So from that perspective, the operations there come under the SOUTHCOM Commander's purview.

With regard to that, there is obviously a security aspect to that. We will support the efforts and initiatives that Secretary England has recently been tasked to undertake, which is a review of combatant detainees, the status of those detainees as combatants. He is executing that mission right now. So from that perspective, SOUTHCOM will support that current review or any future review as so directed by the Department.

With regards to training services, trained interrogators, there is a combination of linguists that are needed, interrogators obviously, and analysts. Those people work for the command that puts together interrogation plans. Their responsibilities are to monitor interrogation plans, to monitor interrogation techniques, to ensure that those techniques used are in accordance with the policy guidelines provided by the Department, and to inform the Department, the Secretary of Defense of some of those techniques for which he has retained an information knowledge of prior to use. So we have that responsibility at the facility in Guantanamo.

Also, SOUTHCOM has responsibility for detainee advice with regard to other locations around the world, and we will send out, as requested from other combatant commanders, training teams which will move to those areas and provide training to and in interrogation and detainment operations at other sites.

Chairman WARNER. Thank you very much.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

First, Admiral Keating, on June 9, just before President Reagan's state funeral, the FAA failed to share the identity of the Governor of Kentucky's plane with other authorities. This resulted in the evacuation of congressional buildings. Apparently, in early June, according to the 9/11 Commission members, there was an unidentified aircraft over New York City. There was great confusion over who had the authority to respond.

The FAA states that it has taken action to address the causes of these problems, but it appears that more needs to be done to boost our air defenses.

Could you tell us, in your judgment and to the extent you are able to determine, whether air defense measures still need to be taken by NORAD or by NORTHCOM in order to address these vulnerabilities that seem to be persistent?

Admiral KEATING. Senator, I will do my best. It is my understanding that there is an investigation ongoing, and I do not know the results of that investigation within the Department. The information that has come across my desk as the Director indicates that it was a relatively simple breakdown in communication. The fix is in. I do not know the fix, Senator, and I do not know that we have had time yet to do an exercise to ensure that the aforementioned fix is in fact appropriate.

But I can promise you that if confirmed, we will continue to do exercises, both scheduled and random, throughout the continental United States in all those areas that apply to NORTHCOM and to NORAD to ensure, to the best of our ability, that situations as you describe do not occur again.

Senator LEVIN. Could you give us your opinion as to the role of the National Guard in homeland defense? Do you have any ideas as to how we can use them appropriately and what the balance should be between Active and Reserve Forces?

Admiral KEATING. The role of National Guard in homeland defense is huge. They are the first responders under the DOD, of course, in their capacity working for the Governors of the States where they are stationed. However, as you are aware, we have about 130,000-140,000 guardsmen who are activated and deployed

right now. That is a drain on the total pool of 450,000 or so guardsmen. There are arrangements, I am told, in place between Governors throughout the States, as coordinated by Lieutenant General Steve Blum, the Chief of the National Guard Bureau, to respond if necessary to situations where a State may be a little bit low on their guardsmen. But NORTHCOM works very carefully with Lieutenant General Blum on all those issues attendant to the Guard and their ability to respond.

Senator LEVIN. The chairman raised the question relative to maritime homeland defense. There was a study of the Defense Science Board in the summer of 2003 titled "DOD Roles and Missions in Homeland Security." It recommended that NORTHCOM "develop a road map for maritime surveillance." Can you tell us what the status of that study is? Do you know?

Admiral KEATING. Senator, I do not know. I will have to find out for you. I am unaware of the status.

Senator LEVIN. Okay. If you could check into that right after your confirmation.

Admiral KEATING. I would be happy to.

[The information referred to follows:]

In May 2004, the Assistant Secretary of Defense for Homeland Defense and the Deputy Secretary of the Department of Homeland Security sponsored a national Maritime Domain Awareness (MDA) Summit. As a result of the Summit, I understand the U.S. Navy and U.S. Coast Guard will serve as their Departments' Executive Agent in developing a way ahead for MDA. NORTHCOM is represented on the MDA Senior Steering Group and Working Group.

Senator LEVIN. On the question of intelligence sharing, the Terrorist Threat Integration Center (TTIC) was created to assure intelligence sharing among all agencies about threats to our homeland. There are still inadequate resources for the TTIC. Are you familiar with the role of TTIC now in the way in which Northern Command receives intelligence?

Admiral KEATING. I am, sir.

Senator LEVIN. Can you describe that?

Admiral KEATING. I will do my best. Northern Command has as part of their command structure, the physical layout, a Combined Intelligence and Fusion Center (CIFC) in their headquarters in Colorado Springs. It is a full-time, 24/7, manned watch center, and they have hotlines, if you will, to a number of agencies throughout the interagency, one of those groups being TTIC. So there is 24/7, real-time communication between Northern Command and TTIC, as well as other agencies, CIA, FBI, and some State and local agencies as well. What they do is fuse intelligence. Northern Command does not collect intelligence. It is available real-time or near real-time from those agencies who do gather it, and it is all fused into a common operational picture.

Now, there are parts of it that are not germane to Northern Command, and I have not been to TTIC, so I do not know what they have, nor have I been to Northern Command. But I am assured that there is sufficient, robust intelligence sharing and fusion between TTIC and the Northern Command fusion center.

Senator LEVIN. Thank you, Admiral.

General, as the Senior Military assistant to Secretary Rumsfeld, can you describe what role you had, if any, regarding the detainee

interrogation procedures for Guantanamo and elsewhere? You were asked about kind of the future rule, but I am interested as to what role you have had, if any, and whether you have had access to documents, for instance, pertaining to detainees. If so, what is your judgment and assessment of that situation.

General CRADDOCK. Yes, Senator. The short answer to that is I had no role in policy formulation for the detainees. I had no role in policy formulation for the detainee operations or interrogations.

Now, let me expand on that a bit. My duties as the Senior Military Assistant for the Secretary of Defense were varied and ranged based upon the subjects at hand. The key word is "assistant," not advisor. The Senior Military Assistant has several functions and duties. Throughout the period for which the issue you are talking about, detainees, I was involved to the extent of ensuring that meetings were conducted on time with the right people. But in terms of policy formulation input, I did not provide any.

The way I ran the job as the assistant was if my training, background, or education gave me the wherewithal to provide input and comment on policies at hand, then I would either be asked or I would volunteer such information and my judgment. With regard to detainees and detainee operations and interrogations, I have no experience nor training. So from the perspective of what were my duties, my duties were to ensure that the Secretary had the right people at the right time for those discussions. I participated in some and in others I did not, in terms of being present during those discussions on detainee and detainee operations, but in no way formulated or assisted in policy formulations.

Senator LEVIN. Thank you. My time is up. Thank you, Mr. Chairman.

Chairman WARNER. Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman.

This fall, in fact, right now, they are in the process of putting missiles in the ground for our national missile defense system so that we can proceed with our test bed testing. Also, there is going to be some limited defensive capability. In fact, I think the President is likely to declare the missile defense system operational this fall.

Admiral Keating, if confirmed, will you support the missile defense system's plan for concurrent tests and operations?

Admiral KEATING. I will, sir.

Senator ALLARD. Now, are you comfortable with the concept of operations that have been developed for the ground-based mid-course missile defense system? Because, if confirmed, you are going to be responsible for operating our ground-based mid-course missile defense system when it becomes operational. There are a number of scenarios that would invariably require cooperation with other geographic commands.

Admiral KEATING. To the extent that I have been briefed in my current job, Senator, I am comfortable. The way I think about it is I am kind of at the grade school level right now, and if confirmed, I will have to ratchet that up in a hurry. The staff out there, I promise you, is prepared to do that.

Regarding the relationship between the various combatant commands. I have had the great fortune of serving in a number of

these commands, and I know the guys who are in those commands now. I am confident that we are going to be able to develop and sustain the level of cooperation necessary to ensure successful implementation and execution of a fairly complex system.

Senator ALLARD. Now, my understanding is that Northern Command has reached out to utilize the expertise of a university consortium to support its missions in homeland defense and technical training for civilians. How does academia provide military utility to your overall mission goals? More importantly, do you plan on continuing this effort?

Admiral KEATING. In reverse order, if I could. It is a healthy program now. It will stay as healthy or get healthier, if I am confirmed.

I am convinced, as are many others, that there are many answers to these very challenging situations. As the chairman discussed, for example, looking at the tens of thousands of containers that come into our ports on a weekly basis. There are potential answers outside the DOD. It might be a high school science fair. It might be the University of Boulder, Colorado, consortium that you described. If confirmed, I guarantee Northern Command is going to pursue as many of those options as we can so as to seek the solution and not be so reliant on a single source.

Senator ALLARD. This is a question for both Admiral Keating and General Craddock. We get rumors out of the Pentagon all the time. One of the things that we hear is that Secretary Rumsfeld reviews annually the Unified Command Plan (UCP). There are rumors that maybe Northern and Southern Commands should be combined. What is your opinion on whether this effort should be undertaken? Can Northern Command perform a unified mission if these commands are consolidated? Since we have both of you here, I would like to hear both of your perspectives on that.

Admiral KEATING. I am aware of the study that is being conducted, Senator. It is my understanding that it is not likely that the Secretary will approve a merger in the short term, but has asked that the Department continue to look at it. Right now, the missions of the two commands are significantly different. Over time it may be that we could find a way to combine the two commands, but my personal opinion is that is not likely to occur soon.

General CRADDOCK. Senator, I pretty much endorse what Tim just said. I think studies are always helpful, so the studies will be ongoing. The UCP is reviewed on a routine basis, and some of these that are not agreed to this year will be reviewed again next year.

Having said that, I also agree that it is probably a notion before its time. It may be in the future, as conditions change and situations change, something that would have more merit than today.

I know that the Institute for Defense Analysis recently in May completed a study of combining the two commands. They recommended the status quo, and it is my understanding the Secretary of Defense agrees with that recommendation.

Senator ALLARD. Thank you. Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much.

Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. I want to apologize for shaking you up yesterday as I walked past your chair.

Chairman WARNER. That is all right. You got my attention.

Senator BEN NELSON. You were very gracious, and I gave a great deal of distance when I walked behind your chair this time. So I appreciate that.

It is a pleasure to see both of you with us here today. Admiral Keating, I think the President made a very wise choice in selecting you to succeed General Eberhart. Of course, General Craddock, I enjoyed our discussion at the office the other day, and I look forward to continuing our discussions about Colombia and Venezuela.

Admiral Keating, with respect to missile defense testing and coordination, with the rudimentary missile defense system being deployed this year, obviously you are going to be the person responsible for the actual operation of the system. How do you see the roles of NORTHCOM and Strategic Command (STRATCOM) in missile defense? How do you see the relationship between those two commands and coordination of them?

Admiral KEATING. Yes, sir. The roles are clearly defined, and I think clearly understood. Again, from my position as the Director, I have been able to watch some of this. In fairly simple fighter pilot terms, Northern Command will be the supported command, will have the hardware, the doctrine, the policy, and the rules of engagement. Those will be worked by Strategic Command. So the heavy lifting is done by Strategic Command. Northern Command will be apprised and will monitor throughout. When the system reaches initial defensive capability, the rules will have been well briefed up through the President of the United States and Northern Command will assume the responsibility of the shooter. But throughout all of this, Northern Command and Strategic Command, in concert with the Department of Defense, have done a lot of work so that they are all equally aware of the developments.

Senator BEN NELSON. In the clear delineation and definition of the lines of demarcation between the two, you think it is sufficiently understood the two roles being separate but also being combined for certain purposes and that that is an appropriate and clearly understood delineation.

Admiral KEATING. I believe it is appropriate, Senator, and I am very confident it is clearly understood.

Senator BEN NELSON. I appreciate that.

In connection with the policies regarding firing on commercial airlines, when you have a simple breakdown—fortunately in the last case, we did not end up with a complex situation. Are you reasonably certain that this sort of situation can be corrected in the future? Because clearly, shooting down an airliner or shooting down a private plane in a breakdown situation would be a terrible tragedy, not fully understood by the American public, certainly not giving more confidence to hometown security. Are you sure that we really are getting closer to solving that breakdown for the future?

Admiral KEATING. I am confident that we are, Senator. Now, it is important to note that it is possible to conceive a situation where even the most seamless, ready, and cocked defense position will be unable to mitigate the threat, a complicit crew, for example. We see planes flying by the Pentagon many times a day in and out of

Washington Reagan National Airport, and there are many other circumstances. So against a complicit crew, the best defense in the world is not going to be able to stop that necessarily.

But it is this system of systems that the Department of Homeland Security and Department of Defense have implemented that lead me to believe that we are making good and continuous progress. We test it and exercise it frequently to be able to assure you that we are getting better, a lot better.

Senator BEN NELSON. General Craddock, in April this year, General Hill testified that the narcoterrorists in Colombia remain the largest and most well-known threat in SOUTHCOM and their illicit activities still continue but not without a price. As we deal with this, can you describe the types of missions that the U.S. soldiers are now conducting in Colombia under Plan Colombia? Several of us from this committee went to Colombia in 2001. What is going on there now with these missions?

General CRADDOCK. Yes, Senator. The military component of Plan Colombia that the Colombian Government has is Plan Patriota. That is the military attempt to take on the Revolutionary Armed Forces of Colombia (FARC), as you say, the narcoterrorists, the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), and other terrorist organizations dependent on narcotrafficking to generate funds to either, one, control the countryside and the people, or two, try to assume control of the government.

The progress has been impressive. At this point, the Colombian Government has made considerable progress in being able to eliminate a lot of the control that the FARC has exercised in the past. Even though they are addressing all three elements of those insurgencies, if you will, that have transitioned really beyond that to narcotrafficking and narcoterrorism, the FARC has been the focal point of that effort. They have taken back the countryside from the FARC. They have placed government personnel in all the villages now recently, which is a big plus, and they have instilled confidence in the Colombians that the government indeed has control of the country at this time.

Now, the U.S. role here is to provide training assistance and planning assistance for the Colombian military to be able to conduct those operations. That is the focal point of the military effort. So the military trainers and advisors, mostly Special Operations Forces, in Colombia work very closely with vetted Colombian units, the battalions, the brigades, the squadrons, the counterdrug units that the Colombian Army has developed to ensure that they have planned adequately and they are trained and prepared to conduct those operations in order to prevail against the narcoterrorists. It has been very successful.

The plan, Plan Patriota, is in a bit of a surge phase, so operations are continuing, and the outlook right now is good. The confidence in the government is as high as it has been. I think President Uribe has about an 82 percent confidence rating, which is unheard of up to this time. But everything is going very well at this point.

Senator BEN NELSON. My time is expired.

We are seeing, though, where there are some good guys in the process and among the others, it is bad, worse, and the worst. Is that a fair characterization of it?

General CRADDOCK. Yes, Senator, I think that is fair. We are finding that a lot of the narcoterrorists have——

Senator BEN NELSON.—lost sight of their ideology now, and it seems to be more driven by financial gain.

General CRADDOCK. Absolutely. The ideology in the beginning has pretty much merged into one of trading drugs for money. The fact that there is some demobilization of those forces would indicate, one, that they are being demoralized; two, they are turning themselves over to Colombian Army units, which in the past would never happen because of their fear of being killed. So the human rights aspects are improving. So across the board, I will not say that it is perfect. I will not say that it is a done deed, but it is indeed progress.

Senator BEN NELSON. Well, thank you, gentlemen, and thank you to your families for your service.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much.

Senator Roberts.

Senator ROBERTS. Thank you, Mr. Chairman. I apologize for being late. It appears that the level of water in the pipes of a water closet over in the garage of Hart has caused an increase in blood pressure for quite a few staffers and members.

I do want to thank Admiral Keating for a good conversation this morning. I will just repeat my concern, and I think your answer is yes.

I expressed to you previously I have serious concerns about the resources that DOD has allocated to NORTHCOM to complete its mission, and I think there may be an unwillingness to accept the homeland defense mission within DOD. You indicated in your conversation to me that that is certainly not your view.

A Defense Science Board study concluded that DOD needed to develop several homeland defense capabilities including medical surge capacity, the ability to deal with chemical, biological, radiological, and nuclear (CBRN) incidents, and improve intercommunication capabilities between civilian law enforcement and military officials at the local, State, and the Federal level.

The Nation and the DOD's ability to respond to attacks on the homeland directly affect our ability to maintain our strategic military flexibility and our domestic control. What steps do you plan to take to address these shortfalls?

You indicated to me that you are going to be conducting serious exercises, taking a hard look at that responsibility, even though normally you might not think that would fall within DOD. But after the civil support team (CST) arrives in the area, they are going to need your support. You are going to have to have the air-lift to get the job done.

Have I pretty well described our conversation as of this morning?

Admiral KEATING. Yes, sir. I wrote down the answer. [Laughter.]

Senator ROBERTS. Thank you very much, Admiral.

General Craddock, I am an old Wilhelm admirer. I think it was General Wilhelm who told me several sessions back that other than

drugs and immigration and about 23 to 25 percent of our energy supply and crime and trade and terrorism, we really do not have any primary interest in our neighbors to the south. 360 million people, 31 nations, average age of 14, with a lot of force structure that was taken away from you in the Balkans and now has never been replaced. So I hope that we can be supportive to you on this committee. I know that Senator Warner shares my concern. I wish you well.

I yield back the balance of my time, Mr. Chairman.

Chairman WARNER. Thank you very much, colleague.

The two buildings of the Senate office complex remain evacuated. Therefore, I am going to ask colleagues to submit their additional questions for the record of these two panelists, and we will proceed immediately to the second panel.

Thank you very much, gentlemen, for your offer and that of your family to continue in public service in these very demanding and challenging posts.

Admiral KEATING. Thank you, sir.

General CRADDOCK. Thank you, Mr. Chairman.

Chairman WARNER. Congressman Lewis, we welcome you.

Mr. LEWIS. Thank you, sir.

Chairman WARNER. Your sense of timing is, as always, very precise.

Ordinarily the chairman reads at some length and speaks to the biographical achievements of the nominees, but given the fact that, Chairman Lewis, we have two of our Senate buildings that have just been evacuated, I am going to put my remarks into the record and proceed to this second panel.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

On our second panel, we will consider two civilian nominations. Peter Flory has been nominated to be the Assistant Secretary of Defense for International Security Policy, and Valerie Baldwin has been nominated to be the Assistant Secretary of the Army for Financial Management and Comptroller.

Peter Flory currently serves as the Principal Deputy Assistant Secretary of Defense for International Security Affairs and has been nominated to be the Assistant Secretary of Defense for International Security Policy. Mr. Flory previously has served with distinction in the Department of Defense from 1989 to 1992 as the Special Assistant to the Under Secretary of Defense for Policy, Paul Wolfowitz, and in the Department of State as an Associate Coordinator for Counterterrorism from 1992 to 1993. Mr. Flory also served in the legislative branch as the Chief Investigative Counsel and Special Counsel to the Senate Select Committee on Intelligence.

Ms. Baldwin has been nominated to be the Assistant Secretary of the Army for Financial Management and Comptroller. Ms. Baldwin is highly qualified for this position, having served in a variety of capacities in the legislative branch including distinguished service on the House Appropriations and Veterans Affairs Committees. She served on the staff of our former colleagues, Senator Kassebaum of Kansas and Senator John Glenn of Ohio.

Chairman WARNER. But I would like now at this time to say how pleased we are as a committee that you have joined us, and we look forward to your comments on behalf of this extraordinary nominee of the President to be Assistant Secretary of the Army for Financial Management and Comptroller.

**STATEMENT OF HON. JERRY LEWIS, U.S. REPRESENTATIVE
FROM THE STATE OF CALIFORNIA**

Mr. LEWIS. Thank you very much, Mr. Chairman. I first want you to know how much we appreciate the courtesy you are extending to us, giving us this time and the recognition. With those buildings being evacuated and with my bride was trying to find a parking place, I was a bit late and Valerie, I am sorry about that.

But in the meantime, Mr. Chairman, I have been noted for very few things around the House of Representatives. The one thing that I point to with pride is that, along with the help of my bride, I am able to find and steal, one way or another, very talented people to help me with my work.

Today, I am here to extend my recognition and my appreciation to one, Valerie Baldwin, who is a fabulous young woman who served the House with great distinction, and me personally as well. As she goes to serve the Army, with your blessing, she will make a further great contribution to our country.

Valerie got her law degree at the University of Kansas. That is the only shortcoming that I can think of about Valerie. [Laughter.]

Chairman WARNER. That will soon be addressed by two other distinguished colleagues. [Laughter.]

Mr. LEWIS. I understand that.

Senator, I will not talk about tying our shoes. Is that all right?

Senator ROBERTS. You have the floor, Mr. Chairman. [Laughter.]

Mr. LEWIS. Thank you, Senator.

Valerie came to the House, being attracted by the glitter of public service. First she came to the Banking Committee where she was our counsel. We identified that talent and stole her to serve with me on the Veterans' Affairs and Housing and Urban Development (VA-HUD) Subcommittee. The Housing Committee is where she did most of the work for the years I served there as chairman on the housing side of our effort. She did a fabulous job at helping us try to figure how to better deliver money to local communities and made sure that money got to the people we intended and we wanted to serve in the first place. That is not always easy, but Valerie was a very important person in that development of our work.

From there, she became the clerk of the Military Construction Subcommittee and did a fabulous job for us there.

Valerie Baldwin, as she goes to the Army, will continue her national service, and I am just proud to come today to present her to the Members of the Senate for your consideration, and I appreciate what I hope will be positive results of this panel's hearing. Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much, Mr. Chairman. I just had the privilege of meeting extensively yesterday with this distinguished nominee, and I certainly have reason to share your sentiments. Here in the committee staff, after my meeting yesterday filtered up the staff evaluation, and one word emerged: "tenacious." [Laughter.]

Chairman WARNER. Senator Roberts.

Senator ROBERTS. That is a Kansas trademark, Mr. Chairman. [Laughter.]

It is my pleasure to voice my very strong support for Valerie Baldwin. Valerie is a distinguished graduate of both Wichita State

University, where she graduated magna cum laude, and the University of Kansas School of Law. As we all know, the University of Kansas is the home of the ever-optimistic and fighting Jayhawks. [Laughter.]

Second only to the optimistic and fighting Wild Cats of Kansas State, but that is another matter. [Laughter.]

She has a distinguished record of service and accomplishments. She has made a career of serving Congress, including an early stint with one of our very greatest Senators, Senator Nancy Kassebaum. Her most recent positions on the staff of the House Appropriations Committee have demonstrated her qualifications for the position for which she is currently being considered, and I want to associate myself with my distinguished colleague and fellow swimmer and friend, Chairman Lewis. I trust my colleagues on this committee will find her as deserving of this post as I do, and it is my privilege to say these remarks on her behalf.

Chairman WARNER. Thank you very much, Senator Roberts.

Folks, I apologize for this, but I want to do it because I have an obligation. We have so many children and families here with us. We now are advised the Hart and Dirksen buildings have been cleared for reentry. The problem was much as you described it, Senator. We exercise a very strong fiduciary obligation in this committee and throughout the Senate for those who come to visit us, and in that capacity, I tried to keep you informed.

Would you kindly introduce your colleague here?

Senator ROBERTS. I would be delighted to. The distinguished gentlemen from Ohio who is a great friend and colleague and an outstanding Member of Congress, David Hobson.

STATEMENT OF HON. DAVID HOBSON, U.S. REPRESENTATIVE FROM THE STATE OF OHIO

Mr. HOBSON. Thank you, Senator Roberts. Senator Warner, thank you for your courtesy this morning.

I had the distinction and honor of being Chairman of the Military Construction Committee for 4 years. Valerie Baldwin was my clerk for the last 2 years of that. Valerie is tenacious and is dedicated to this country. She is dedicated to the troops and their well-being. She proved that many times over by going out and visiting bases all over the world and looking at the quality of life of troops there. So I have no hesitancy to appear today and to recommend her for this position. I know she has the educational background and the experience and that wonderful Jayhawk spirit that will make her a very outstanding public servant should she get the recommendation of this committee and the approval of the Senate.

So I thank you very much for your courtesy, sir.

Chairman WARNER. Well, I think it is very important that you and Mr. Lewis took the time to join us here, because this position now straddles both bodies of Congress, and you will be dealing with the Senate as well as the House. I think it is important that the record reflect the sentiments of these distinguished members of the other body who have had the opportunity to observe your extraordinary professional capabilities.

I would only mention that she put down on her resumé something that I have seldom seen in my many years here, that she was

a member of St. Alban's Church. It brought great warmth to my heart, as I showed her the picture of my uncle who was pastor of that church for 39 years. In that church, I was raised as a young man and known as a bad boy because I was an acolyte and then relieved of my command at one point as an acolyte by my uncle. [Laughter.]

Since we have a clear situation in terms of security here, I would like to return to the regular order of the matter in which we were proceeding here.

Senator ROBERTS. Mr. Chairman, I do have some remarks for Mr. Flory, if that would be appropriate at this time, but I will yield to your counsel.

Chairman WARNER. Fine, and I am going to follow you then. You go right ahead.

Senator ROBERTS. I would also like to voice my support for Peter Flory. Peter, prior to joining the Department of Defense was a professional staff member on the Senate Intelligence Committee. He served with distinction as the committee's Chief Investigative Counsel and Special Counsel. I know that the committee's former chairman, Senator Shelby, depended a great deal on Mr. Flory's expertise and counsel, as we all did. I am confident that he will bring those same skills and insights to any future position that he might seek.

I stand ready to assist the chair in any way to consider Ms. Baldwin's and Mr. Flory's nominations as expeditiously as we can.

Chairman WARNER. Thank you, Senator Roberts.

I would like to add that Mr. Flory currently serves as the Principal Deputy Assistant Secretary of Defense for International Security Affairs. He has been nominated for the post of the Assistant Secretary. He previously served with distinction in the Department of Defense from 1989 to 1992 as the Special Assistant to the Under Secretary of Defense for Policy, Mr. Wolfowitz, and in the Department of State as an Associate Coordinator for Counterterrorism from 1992 to 1993.

Mr. Flory also served in the legislative branch as the Chief Investigative Counsel and Special Counsel to the Senate Select Committee on Intelligence.

So you bring a very broad and distinguished background of experience to this post, Mr. Flory. As citizens of this country, we are fortunate that you and your family once again are willing to accept an even greater challenge and more demanding schedule, as it will soon be, in fulfilling these posts subject to the confirmation of the United States Senate.

I would like at this time to ask each of our nominees the following. To the nominees, have you adhered to applicable laws and regulations governing conflicts of interests?

Mr. FLORY. Yes, Mr. Chairman.

Ms. BALDWIN. Yes, Mr. Chairman.

Chairman WARNER. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Mr. FLORY. No, sir.

Ms. BALDWIN. No, sir.

Chairman WARNER. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in the hearings?

Mr. FLORY. Yes, sir.

Ms. BALDWIN. Yes, sir.

Chairman WARNER. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Mr. FLORY. Yes, sir.

Ms. BALDWIN. Yes, sir.

Chairman WARNER. Will those witnesses be protected from any reprisal for their testimony or briefings?

Mr. FLORY. Yes, sir.

Ms. BALDWIN. Yes, sir.

Chairman WARNER. Do you agree, if confirmed, to appear and testify upon request before this committee?

Mr. FLORY. Yes, Senator.

Ms. BALDWIN. Yes.

Chairman WARNER. Do you agree to give your personal views when asked before this committee to do so even if those views differ with the administration in power?

Mr. FLORY. Mr. Chairman, as a political appointee, I consider it my duty to be an advocate for the positions of the administration. However, I would always be prepared to discuss with you and with the committee my best professional judgment.

Chairman WARNER. Thank you. That is quite satisfactory.

Ms. BALDWIN. Senator, that would be my statement as well.

Chairman WARNER. Thank you very much.

Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by this committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Mr. FLORY. Yes.

Ms. BALDWIN. Yes, sir.

Senator MCCAIN. Could I elaborate on that, Mr. Chairman?

Chairman WARNER. Yes.

Senator MCCAIN. Do you fully understand what the chairman is asking you?

Mr. FLORY. Yes, sir.

Senator MCCAIN. Do you fully understand that includes e-mails and other communications?

Mr. FLORY. I understand.

Ms. BALDWIN. Yes, sir.

Senator MCCAIN. You fully understand that?

Mr. FLORY. I fully understand, sir.

Senator MCCAIN. The reason why I ask that, Mr. Chairman, it is now over a year since I asked for the communications concerning the Boeing issue, and after being assured they would be coming in very quickly, we have still gotten not nearly what we had expected from them. Included in it is a whole bunch of duplication and unnecessary documentation to show that they are providing thousands of pages when, in fact, about two-thirds of it is duplicative and at best uninformative.

So I think it is important that we not have to go through this drill again. I would be glad to have the record perfectly clear about Mr. Flory's and Ms. Baldwin's views. Okay?

Ms. BALDWIN. Yes, Senator.

Mr. FLORY. Yes, sir.

Senator MCCAIN. I thank you, Mr. Chairman. I apologize for the interruption.

Chairman WARNER. Not at all. I think it is very important because, as a matter of fact, the committee as a whole has joined with our colleague, who is also chairman of the Commerce Committee, which has a similar request in. So we are supportive in every way.

Now, at this juncture, unless others wish to make an opening statement with regard to either of the nominees, we will proceed to receive their preliminary comments.

Mr. Flory.

STATEMENT OF PETER CYRIL WYCHE FLORY, TO BE ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY

Mr. FLORY. Thank you, Mr. Chairman. I have no opening statement. I would like to make a few expressions of appreciation, if I may, first to you and to Senator Roberts for your kind remarks, and in particular to you and Senator Levin for scheduling this hearing. I understand that this is a very busy week for the Senate and I appreciate your finding the time to hold the hearing.

I have had the privilege, in two tours as a personal and committee staff member in the Senate, of working with this committee on a variety of issues, and I have always been impressed by and admired the bipartisanship and the professional spirit in which the committee carries out its work. I look forward, if confirmed as Assistant Secretary of Defense for International Security Policy, to continuing to work with the committee in that same spirit.

The record should also note, I think, that even before we understood the precise nature of the threat that had caused the evacuation of the other buildings, this committee stood by its guns.

You have met my family, and I can only say I could not be here without their love and support. They have seen me through the last 3 difficult years. I hope, if I am confirmed, that they will have the patience and forbearance that they have shown for me in the last 3 years.

I would like to thank the President for his confidence in me, and express my appreciation to Secretary Rumsfeld for that same confidence.

Lastly, I would like to recognize someone who is not with us today. I spoke briefly with Senator Dole earlier about my maternal grandfather, Ira Thomas Wyche, who graduated from the United States Military Academy at West Point in 1911. He grew up on Ocracoke Island and would have been, if the timing had been right, a constituent of Senator Dole. He served as an artilleryman in World War I, and he commanded the 79th Infantry Division of the U.S. Army in World War II. He lived a long and full life before dying at the age of 93. He was an enormous presence in my life.

He taught me many things, and I know that he is watching these proceedings with great interest.

Chairman WARNER. I thank you for that reference. I think that is extremely important for each of us, as we go through life, to acknowledge those who are no longer present with us and their tremendous contribution to our ability to take on responsibility.

Mr. FLORY. Thank you, Mr. Chairman. My grandfather had a great deal to do with setting me on the path in life that I have taken, and I wanted to acknowledge him in these chambers.

Lastly, I would like to thank you, Mr. Chairman, and Senator Levin once again for holding this hearing. I will be pleased to answer your questions.

Chairman WARNER. Thank you.

Ms. Baldwin.

STATEMENT OF VALERIE LYNN BALDWIN, TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Ms. BALDWIN. Mr. Chairman, first of all, I, too, would like to thank a few people, beginning with Jerry Lewis, for those very kind comments, and also Mr. Hobson and Senator Roberts. It is always a little overwhelming when you have the people for whom you have worked and for whom you have so much respect to say so many kind things. I am deeply honored by their comments.

I wish that Senator Roberts were here so that I could assure him that if Kansas State University had a law school, I would have joined him as a fighting Wildcat. [Laughter.]

Senator, I would like to thank the President for nominating me to this post and Secretary Rumsfeld for recommending me to the position.

In addition, Les Brownlee, whom many of you here know, was instrumental in suggesting that I become a candidate for the job, and he has encouraged me as the nomination moved down the road.

Chairman WARNER. The Acting Secretary of the Army, Mr. Brownlee, served this committee for many years. For 17 years, he was either on the committee or on my staff working for me here on the committee. He is an extraordinary, competent professional and has discharged his responsibilities in an exemplary fashion.

Ms. BALDWIN. Yes, sir.

In addition to Mr. Lewis, there are some other people on the Appropriations Committee who have given me many opportunities, including the chairman, Mr. Young, Mr. Obey, the ranking member, Mr. Mollohan, and the now retired Lou Stokes was extremely helpful to me. I learned something from each one of them and they made me a better staffer as a consequence. I hope I can take some of what I learned from them and use it in my work at the Department of Defense.

I would also like to thank Jim Dyer, who is the House Appropriations Committee clerk. He has been a terrific mentor to me. He has been a wonderful advocate, great boss, and good friend.

Mr. Chairman and members of the committee, I have been fortunate to work on the staffs of both an appropriations committee and an authorization committee. As a consequence, I have a great deal

of appreciation for credible numbers and a great deal of respect for the importance of well-considered legislative policy. Linking and integrating these two congressional functions with serving soldiers is a challenge that I welcome if I am confirmed. It is a challenge that I would attempt to carry out using the highest standards.

Before closing, Mr. Chairman, I would like to thank you and Senator Levin for having this hearing today, and should I be confirmed, I pledge to work with you Chairman Warner, with you, Senator Levin, and with the other members of the committee and with all of your staffs. I am prepared to answer any questions at this time.

Chairman WARNER. Thank you very much.

Mr. Flory, I will proceed first to a subject we discussed briefly yesterday, and that is my concern over the future of the North Atlantic Treaty Organization (NATO) and its role on the international scene. NATO is the most extraordinary military alliance in the history of contemporary mankind, and it was very successful in its missions to date.

When a group of us here in the Senate visited Afghanistan recently, we learned of a deepening concern about NATO's fulfillment of its committed mission in Afghanistan, concerns ranging from what we call the national caveats. For those that may not be familiar with that term, it is where a nation commits its forces under the command of NATO to perform a NATO mission but, in doing so, they add stipulations as to what those forces can do and cannot do. That makes it extremely difficult for the on-scene commander to coordinate and command and commit those forces in accordance with the mission.

There are severe risks to life and limb in Afghanistan because of the continued level of insurgency, and some of those forces under the NATO command specifically could take on tasks which—I will just put it in the kindest terms I can—to some extent limit the risks that they must take and thereby putting on the shoulders of other NATO forces perhaps an added risk. That to me is just an intolerable situation.

Furthermore, NATO had committed to do a number of things in Afghanistan. The Secretary General, I understand, has said that forces will be made available for the elections to provide the security. I welcome that, but at the time I was there, there was considerable doubt as to whether or not they would do it. That seems to have been remedied by the new Secretary General.

But still the NATO forces were to provide a security situation to allow reconstruction to go on in the four quadrants in Afghanistan. While I think to some degree they performed admirably in one quadrant, the time table for the commitment to the other three quadrants seems to be somewhat in doubt.

Then we come to Iraq. A number of NATO nations have very courageously stepped up and contributed their troops to the overall coalition forces, but at the recent high level meeting of the NATO officials in Turkey, there was a release to the effect that they would provide some training for Iraqi security forces. It was in response to a request from the new Prime Minister, and that letter specifically said that that training was to take place inside Iraq. Since that time, there has been somewhat of a debate within NATO and

comments from France and other countries about where and how that training would take place. So once again, we have some question marks raised about the future role of NATO in that theater with regard to the limited mission of training the Iraqi security forces.

First, I would like to have you describe your work with NATO in your previous position and now the continued work with NATO in the position to which the President has appointed you, subject to confirmation, and how your work relates with that of other persons in the Department of Defense who also share the responsibility of NATO and your views as to the likelihood that NATO can carry forward the commitments both in Afghanistan and Iraq.

Mr. FLORY. Mr. Chairman, thank you. You have summed up very well what I anticipate will be one of the biggest challenges facing me, if confirmed into my new position.

As Principal Deputy Assistant Secretary in International Security Affairs (ISA), with responsibility for Afghanistan and Iraq, I have been in the position of working with NATO members who have contributed to our missions in those countries. We have worked closely with the NATO office in the Office of International Security Policy (ISP), and we have a good working relationship there.

With respect to providing of forces, we in ISA have been, as it was, the support command, and ISP has worked with NATO to provide the force of supporting and supported missions in our office of NATO. I think that it is important to note that considerable progress has been made. When NATO forces took over International Security Assistance Force (ISAF) in Afghanistan, that was an extraordinary step for an alliance that, as you well recall, was conceived, created, and spent virtually all of its life within Europe with a mission that was essentially confined within Europe. So we have made considerable progress in getting NATO to Afghanistan, and now obtaining the commitment with respect to Iraq.

As you say, there is a lot of work still to be done. A lot of that is a function of continuing the transformation of NATO, including the NATO Response Force as one example. A lot of good work was done under Assistant Secretary Crouch with the NATO Response Force and NATO command restructuring to increase the capability of the alliance, first, to deploy, and second, to sustain its forces once they are there.

As you point out, another issue that has arisen is this question of national caveats. This has been a concern in Afghanistan. It has been a concern in Kosovo where last March, as I understand it, I have not been working the Kosovo issue, but as I understand it, a number of issues came up that General Jones is working on right now.

Chairman WARNER. May I say that I think he has been one of the most outstanding Supreme Allied Command, Europe (SACEUR) and NATO Commanders in contemporary history. I have discussed with him the very same questions that I am propounding to you.

Mr. FLORY. Mr. Chairman, I agree with your assessment. I have watched his work, again from the other side of what we in policy call the ISA/ISP divide.

All of these questions are questions that I expect to spend a great deal of time on, and I will look forward to working with you and Senator Levin and the committee on these. Again, I think a great deal of good work has been done, but for NATO to live up to its potential, for NATO to be all it can be, it needs to develop both the capabilities and the political will, which translates into an absence of restrictions that will allow it to carry out the commitments that it makes.

Chairman WARNER. I thank you for that response.

Now, Ms. Baldwin, the committee has been concerned about the pace of modernization of the defense financial management systems. The current time line calls for completion by 2007. However, the Government Accountability Office (GAO) reports that this goal appears too optimistic. If confirmed, what priority would you assign to achieving modernized financial systems and fully auditable financial statements?

Ms. BALDWIN. Yes, Senator, I understand that this has been a concern of the committee. It is my goal, as the financial manager of the Army's budget, to make sure that systems make it possible for us to adequately track data and to provide credible numbers to the Senate and to the House. We need systems that enable us to understand what the requirements are and to match up those requirements with the resources that we have. I think we do need to produce better data.

My understanding is that the Department of Defense has put together a business modernization plan for its financial management systems, and I feel it will be very important for me to work closely with them. The DOD's goal is to have auditable financial statements by 2007. At this point, sir, I do not have sufficient information to know whether that goal can be met, but we will certainly try very hard to meet it if we can get all the data together that would be required.

Chairman WARNER. Thank you very much.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Again, let me thank General Craddock for hanging in here for a few more minutes. We appreciate that.

Mr. Flory, I have questions on a number of nuclear issues. First, do you support the Comprehensive Test Ban Treaty or the continuation of the moratorium on nuclear weapons testing?

Mr. FLORY. Senator Levin, I support the administration's position in support of continuing the moratorium.

Senator LEVIN. Do you believe that there is going to be a need in the near future to resume nuclear weapons testing?

Mr. FLORY. Senator, I do not know the answer to that question. It is not a question that I have dealt with. I understand that it is an issue that is in the mind of the committee, and I will certainly delve into that if confirmed in my new position.

Senator LEVIN. Do you support the Nonproliferation Treaty (NPT) and our commitments under it?

Mr. FLORY. Yes, sir.

Senator LEVIN. Relative to the questions you were asked on the Robust Nuclear Earth Penetrator, you indicated that the Department of Defense should be able to provide the President with op-

tions to place certain facilities at risk and that belong to potential adversaries who are now hardening or burying facilities that support weapons of mass destruction (WMD) operations. Would you include Russia in that list of potential adversaries?

Mr. FLORY. Senator, Russia would not be the first country that came to my mind.

Senator LEVIN. Would it be on the list?

Mr. FLORY. I have not seen a list, and as I mentioned earlier, I have not worked this issue for some time. Before making any definitive comment, I need to review the facts, and I would be happy to discuss it further. I also am concerned about the classification issue here.

As I say, I think that there are other countries that would come to mind as being more immediate concerns.

Senator LEVIN. Just a quick question on missile defense. Is there an opportunity for U.S.-Russian missile defense cooperation?

Mr. FLORY. I know there have been discussions both within the U.S. Government and with the Russians on that. I do not know what the outcome of these discussions has been. My view is that there is the potential for such cooperation, but again, that is something I would have to study further.

Senator LEVIN. The chairman, I believe, asked you about the possible role of NATO forces in Iraq. I guess my question is, given the reluctance of many NATO members to have a presence on the ground in Iraq, do you foresee a role for NATO forces in Iraq either, one, to provide security for a United Nations (U.N.) mission that is going to need to aid in the preparation for elections in Iraq in January, as requested by the foreign minister in Iraq in his visit to NATO headquarters; or two, at the formal request of the newly elected Iraqi government after those elections?

Mr. FLORY. Senator, my understanding of where the issue stands right now is that at the recent Istanbul summit, NATO agreed to provide training, and the modalities of the training, the scope and other aspects of that are currently being worked out.

In terms of what future requests or requirements might be, if confirmed, I will certainly be dealing with those as they come in. I would not be surprised if requests are made, and they will have to be dealt with at the time.

Senator LEVIN. Mr. Flory, you are in the office that Mr. Feith heads. Is that correct?

Mr. FLORY. Yes, sir.

Senator LEVIN. I have been trying for, I do not know how many months, to get documents from Mr. Feith for a review that I am making here, along with the minority staff, of some of the issues relative to the intelligence failures and the intelligence characterization prior to the attack on Iraq. It is, frankly, a painfully long list of letters to Mr. Feith, partial responses, promises not kept, and I am not going to go through all of the letters and all of the inadequate, partial responses or responses and commitments which have not been kept after the commitments were made.

But I want to alert you to these. I know he has copies, but since you are in his office, you might want to inform him that as far as I am concerned, we must have these documents immediately. The last letter I sent to him was that we expected these letters no later

than July 15. Promises just simply are not going to do anymore. So we would expect those documents by the end of business today or by noon tomorrow.

We have actually had to invoke the good offices of our chairman on this one. Even though this is not a formal committee inquiry, the chairman has supported the efforts that I have made to obtain documents and to make my own analysis and to have minority staff involved in this process. We are grateful to the chairman for that support, which he has given, even though it is not a formal committee investigation. We have kept the chairman informed of all of the requests to Mr. Feith. I will not go into any more detail, because he is fully aware of what those requests are or what those documents are. So I would like to have an answer by noon tomorrow on this issue.

Chairman WARNER. If I might comment on that, Mr. Feith appeared before this committee and responded in the affirmative to the same questions that you responded to this morning about the commitment to the committee of the Senate, the Senate as a whole, and congressional committees to supply on a timely basis documents. That is a matter of record.

Senator Kennedy, do you wish to question our panel here?

Senator KENNEDY. No. Thank you very much, Mr. Chairman. I have no questions.

Chairman WARNER. Mr. Flory, the 2001 Nuclear Posture Review laid out a comprehensive vision for the future of the United States strategic forces that included conventional and nuclear forces, active and passive defenses, and a robust defense structure, all undergirded by improved command, control, and intelligence. How would you assess the progress that has been made to date in implementing the recommendations of the Nuclear Posture Review?

Mr. FLORY. Mr. Chairman, I read the Nuclear Posture Review when it came out. Since that time, I have not worked on, and have not kept abreast of, our nuclear weapons and related strategic programs. I am not in a position right now to give you a good answer on that. It is a significant undertaking. I know that people have put a lot of time and work into it. If confirmed, that is another matter that I will be immersing myself in, and I will be pleased to report to you on where that stands.

Chairman WARNER. Thank you.

Arms control has been a very prominent feature of the United States security policy in past years, but clearly the international security landscape has changed dramatically in the past decade. What is your view of the proper role of arms control in the U.S. national security strategy at this time?

Mr. FLORY. Mr. Chairman, in my current job, I deal with arms control strategy per se. I have dealt with some of the issues of nuclear proliferation from the regional perspective. There are a number of lines of defense against the proliferation of WMD. Senator Levin asked earlier about the NPT. That treaty and other treaties are among our first line of defense for defending against WMD. We need a multi-layered defense. Initiatives such as the President's Proliferation Security Initiative are designed to help plug gaps in current regimes and in our ability to enforce current regimes. There are other military elements, of course, but I consider arms

control to be one of the first lines of defense in preventing states from actually developing these capabilities in the first place, and in attempting to prevent them from spreading them to other countries.

Chairman WARNER. Ms. Baldwin, the GAO recently completed a report that identified extensive problems with the National Guard's pay system. Modernizing the military payroll system is part of the longer-term business management modernization program. However, it is essential that corrections be made immediately in this system to minimize the personal hardships on deployed guardsmen, reservists, and their families.

Can you assure this committee that if confirmed you will make fixing pay problems one of your top priorities?

Ms. BALDWIN. Yes, sir, I can assure the committee of that.

Chairman WARNER. Are you familiar with the problem?

Ms. BALDWIN. I have read a little bit of the GAO report, Senator. It was not something that I dealt with in my previous position. So I am not aware of all of the problems. What I believe GAO concluded was that the existing system is just overloaded and cannot handle all of the inputs. So I think that that is the first thing that must be understood.

The business modernization management plan that DOD is working on should enable systems to speak to one another. Accurate pay on a timely basis is vital for our troops. It certainly adds to their morale.

Chairman WARNER. And their families. Always remember the families.

Ms. BALDWIN. Yes, sir, absolutely. I think in the newspaper today there was a story about the morale of the families, and I think it is very important that they get their pay on time.

Chairman WARNER. I thank you for that commitment. I heard you, and the record reflects it would be your first priority. Is that correct?

Ms. BALDWIN. Yes, sir.

Chairman WARNER. Thank you.

Colleagues, at this time I think we will just submit such additional questions we may have to the panel.

Yes, Mr. Flory?

Mr. FLORY. Mr. Chairman, if I might just take a second to respond to something Senator Levin raised. I will take back with me the request Senator Levin made with respect to the materials that have been requested from Mr. Feith. Mr. Feith is not only out of town today, but he is about as close to unreachable as he can be. He will be back sometime this evening. I am not going to be able to communicate directly with him until then. I will, of course, communicate what you said to him at my earliest opportunity, but I cannot guarantee a particular time frame because it is just going to take time for me to get hold of him and then for people to respond to the request.

Senator LEVIN. Mr. Chairman, I will just make the June 30 letter to Mr. Feith that I referred to a part of the record, if I could at this time.

Chairman WARNER. Yes, without objection.

[The letter referred to follows:]

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United States Senate

COMMITTEE ON ARMED SERVICES
 WASHINGTON, DC 20510-6050

June 30, 2004

The Honorable Douglas J. Feith
 Under Secretary of Defense for Policy
 2000 Defense Pentagon
 Washington, DC 20301-2000

Dear Mr. Secretary:

I am writing in further pursuit of my request of November 25, 2003 for documents from your office related to Iraq. With your most recent letter of June 14, it appears you believe you have provided all the documents that are relevant to my request, other than documents being reviewed to determine if they are protected by executive privilege, or awaiting CIA release approval. I am concerned that you may be defining my request in a manner that limits both its scope and your response. There are some documents that you should have provided long ago, and I request that you provide them without delay, as described below.

Based on the information we already have received, it seems unlikely that there are no documents related to the subject of my inquiry. For example, you have stated on a number of occasions that new information from detainees was important in helping your office to develop its perspective on the links between Iraq and al Qaeda. Given the importance you have attached to this new information, it seems unlikely that not even one single document or record was created related to the debriefings of such detainees, whether by personnel in the Office of Special Plans (OSP) or the Policy Counter Terrorism Evaluation Group (PCTEG) or by anyone else in the Policy office. If, upon further review, there are any such documents, please provide them.

Your letter of June 14 states that you "did not undertake" to provide "reviews of or contributions to" documents produced by other agencies. You had never previously denied your intent to provide the requested documents, and your explanation of the necessity to obtain release permission from other agencies is neither necessarily true, nor sufficient reason to withhold such documents. Clearly, you can provide your office's reviews of other agencies' documents, as you have already done in part with the briefings on the Iraq-al Qaeda relationship. You should also be able to provide any contributions or suggestions given by your office to other agencies, whether or not they contributed to subsequent documents of those agencies.

You have already provided one document that your office initiated to provide such input to the Intelligence Community relative to a draft CIA report concerning Iraq's support for terrorism, an example in which it appears you did not need, seek, or obtain any release permission. Please provide all such contribution documents, records and communications.

Furthermore, I would point out that the three different versions of the briefings produced by your office and provided to the Secretary of Defense, the Director of Central Intelligence (DCI), and the staffs of the National Security Council (NSC) and the Office of the Vice President (OVP), respectively, on the Iraq-al Qaeda relationship were, in essence, reviews of intelligence documents. As you have acknowledged, your staff met with Intelligence Community analysts after you briefed the DCI in August, 2002 in order to present your views on the intelligence. It should be a straightforward matter to provide all additional documents and records, as well as communications, related to this meeting and these briefings, including information related to why and on what basis the changes were made to the three different versions of the briefing.

Your unilateral withholding of your complete October 27, 2003 responses to the SSCI's Questions for the Record is unacceptable. Your previous actions have demonstrated that there is no reason to withhold the information. For instance, you have already provided to SASC a portion of your October 27 responses, as well as your complete responses to Senator Rockefeller's Questions for the Record from the same hearing. Also, you have provided to the SSCI all the documents provided to SASC in response to my request, and did not deny them such material as being proprietary to SASC. Why the double standard? I would also note that the Intelligence Community is providing to SASC all the documents it is providing to SSCI in response to its inquiry. The fact that I am on the SSCI is not relevant. By withholding the information from SASC, it prevents the SASC staff from reviewing the material. Please provide all the remaining material from your October 27 responses.

As to the issue of the two binders of documents being reviewed for executive privilege, your letter of June 14 states that "I did not say in my May 12 letter that the President has claimed executive privilege with respect to any of the documents you have requested." I remind you that unless the President has claimed executive privilege, documents are not protected by such privilege. Please provide the status of this review (which appears to have been under way for two months), including how many documents are being reviewed, a brief description of each document being withheld for review, and when we can expect documents to be provided or privilege asserted.

With respect to the ORCON documents mentioned in your May 12 letter that are being reviewed by the CIA, how many documents have you sent for review, and will you provide them on a rolling basis if they are approved for release on a rolling basis, rather than waiting for all of them to be reviewed?

Finally, based on the documents you have provided, it is clear that there are relevant documents that were prepared by, and communications from, individuals within your Policy office but outside of the Office of Special Plans (OSP) and Policy Counter Terrorism Evaluation Group (PCTEG), including the Policy Support office. I am concerned that by asking for documents, records, and communications from the OSP and PCTEG groups, SASC would be missing a substantial amount of important and relevant information that has a bearing on our inquiry. Accordingly, I would ask that you provide all documents and communications from all persons within your Policy organization from September 2001 through April 2003, related to the relationship between Iraq and al Qaeda

Please provide the requested documents no later than July 15, 2004.

Sincerely,



Carl Levin
Ranking Member

cc: Senator John Warner

Senator LEVIN. Thank you, Mr. Chairman. I appreciate your accommodating me.

Chairman WARNER. This concludes your part in the nomination procedures before this committee. The committee will promptly consider the testimony you have given here today. All members will have the opportunity to express their support for the committee's reporting out. I anticipate that it will hopefully be favorable in both instances and your name will be put on the executive calendar.

I once again thank each of you, together with your family and friends who have given you the support through the years and will

hopefully continue to give you the support to fulfill these important posts to which our President has appointed you. Thank you very much.

Senator LEVIN. Mr. Chairman, if I could just say that my questions for Ms. Baldwin will have to be for the record, given the circumstances that we are in. I congratulate both nominees on their nominations.

As I have indicated, as far as I am concerned, this effort with the Feith office has to be addressed at this point. We just cannot delay this any longer.

Thank you, Mr. Chairman. I appreciate your courtesies.

Chairman WARNER. Thank you very much.

We will now ask General Craddock to reappear before the committee for purposes of more questions.

General CRADDOCK. Yes, Mr. Chairman.

Chairman WARNER. Thank you, General. The chair advised you earlier that the balance of the questions would be for the record, given the somewhat unusual situation of security here in the complex of the buildings, but now that situation has abated, fortunately. At the request of the distinguished ranking member and our distinguished colleague from Massachusetts, we will resume the questioning in connection with your confirmation.

General CRADDOCK. Yes, sir.

Senator KENNEDY. First of all, I want to thank you, Mr. Chairman, and Senator Levin for the courtesy, and I want to thank General Craddock for his willingness to stand by here and permit me to question him briefly on a matter of some importance. But I am very grateful to the chair.

I was necessarily absent earlier this morning. The President signed the Bioshield legislation, which is enormously important in terms of our whole biodefense legislation. We have worked on that with our Majority Leader, Senator Frist, and Senator Gregg. It was appropriate that the President sign that because, given all of the challenges that we face, it is extremely important legislation dealing with government and the private sector and an important way to deal with the challenges that we are facing in terms of the biodefense issues. So I am grateful. We came back as rapidly as we could, but I missed the opportunity to question.

So I just have one area of concern, General, and I thank you very much for being here.

I recently have reviewed memos from the Department showing the serious debate and disputes that occurred among the senior military lawyers around the wisdom and legality of the Department's post-September 11 interrogation policies. These memos were referred to in a June 24, 2004, Washington Post article. These memos were by General Romig in the Army, General Sandkuhler in the Marine Corps, Admiral Lohr in the Navy, and General Rives in the Air Force. All of them I find to be extremely prescient.

Long before the abuses of Abu Ghraib occurred, these officers vigorously criticized the new interrogation policies as unlawful, counterproductive, and potentially dangerous to American soldiers. All of them. They argued that the new policies contradicted long-standing military practice, would cause great confusion on the battlefield, would lower the bar for treatment of our own troops, and

they disputed the claim that the war on terror authorized the President to break the laws or to violate the Geneva Convention. They accurately predicted that other nations and human rights observers would object to our harsher interrogation techniques, thus weakening the coalition.

Some of these new policies that they referred to involved the implementation of the harsher interrogation tactics at Guantanamo. In April you personally signed off on these memoranda, on these tactics, and recommended them to the Secretary, or at least forwarded these documents all to the Secretary.

Were you aware at the time of the serious objections by the military lawyers to these proposed changes?

General CRADDOCK. Senator, I am not aware, nor can I recollect the memo you are talking about I signed off on.

Senator KENNEDY. There were four memos.

General CRADDOCK. I have never seen those memos.

Senator KENNEDY. Well, you signed off here. On April 2003, your signature is on the face document.

General CRADDOCK. Sir, I cannot recollect. I would have to see the document. If that is available, that would be helpful.

Senator KENNEDY. They are in the next room.

Chairman WARNER. They are classified documents.

Senator KENNEDY. They are classified documents. They are in the next room. I shared them with Senator Levin just a few moments ago, and there is your signature just as clear as can be on the cover page for these.

You do not have any recollection? Because there are four. They come from each of the Services, each of the judge advocates of each of the Services, all of them taking a very similar position in terms of interrogation techniques. They were all then sent on to General Counsel Haynes who is the overall coordinator for the DOD, but they came through you and your name is on the cover of the documents.

General CRADDOCK. I do not recollect that, sir. I am trying to recall a situation where a Service general counsel or staff judge advocate—you mentioned military, so they must be staff judge advocates, Judge Advocates General (JAGs)—would send a document through me to the general counsel. I just do not ever recall that. That document from a Service component would normally come into the executive secretary and be brought under control and then sent to the functional office to which it would be worked unless it came to the Secretary of Defense.

Senator, I do not recall that. Now, that does not mean that 100 documents a day do not come through, and I may put my initial on it and a date, but I do not ever recall seeing those.

I was aware of a working group that was established of the Service general counsels to address those issues. I do not recall any memos, having ever seen or read, for sure never read any memos, from the Service JAGs.

Senator KENNEDY. Well, I am surprised, because your name is on the face cover of that, signed off, as clear as I am here. I mean, I do not know if we can recess—

General CRADDOCK. I need to see the document, Senator.

Chairman WARNER. Could the documents be produced?

Senator KENNEDY. Yes, they could.

Chairman WARNER. We can allow the witness to look at them.

Senator KENNEDY. It will take about 2 minutes, I believe.

Chairman WARNER. He could do the examination back here in a secured area since they are classified documents. Why do we not stand in recess for a few minutes in fairness to the witness and allow him to look at the documents?

Senator KENNEDY. While we are getting the documents, could I just ask?

Chairman WARNER. Yes.

Senator KENNEDY. Just so that I have an understanding. The idea that these documents exist, you are completely unaware of their existence? You are completely unaware that they were sent on to the general counsel, or to the task force that the General Counsel, Mr. Haynes chaired? As far as you know, it is completely news to you?

General CRADDOCK. Senator, I read what you read in the paper. So I have read that. I am aware of that. I do not recall seeing those documents.

Senator KENNEDY. What were you aware of in the paper? That there were what? That there were these memoranda?

General CRADDOCK. There were documents of concern; that there were procedures that possibly were of concern to the Services.

Senator KENNEDY. Am I right? When you read them in the paper, you said, well, that did not come across my plate, or maybe it did come across my plate and I have to take a look?

General CRADDOCK. It did not register, nor do I recall any concern on my part that I had seen something or signed off on something.

Senator KENNEDY. So your testimony is the only thing that you know about is what you read in the newspaper?

General CRADDOCK. You are asking me if I am aware of those documents. I am aware of them from that perspective. I do not recall reading those documents other than what was reported in the newspapers.

Senator KENNEDY. So you have no further information about whether they were ever received? Do you have any recollection whether you heard the Secretary talk about these documents or the General Counsel talk about these documents? You have no recollection of these documents or that they existed other than what you read in the newspaper? I am just trying to get some feel for it.

General CRADDOCK. My recollection is a concern by Service general counsels as opposed to staff judge advocates or JAGs expressed by the DOD general counsel. Beyond that, I have no recollection of Service—

Chairman WARNER. Again, I think if we just give him the opportunity to examine the documents, it might refresh recollections. Having had a lifetime of experience dealing with Secretaries of Defense both in and out of their offices, the amount of paper, the public should know, and the amount of memoranda and documents that go through there, is just massive every day. So I think in fairness to our witness, let us give him a chance.

General CRADDOCK. I understand this is 2003. Is that the date of the memo?

Senator KENNEDY. April 2003, I believe.

Chairman WARNER. Shall we just recess for a few minutes? It is not an inconvenient matter.

Senator KENNEDY. That would be fine.

Chairman WARNER. All right. The committee stands in recess at the call of the chair. [Recess.]

The hearing will resume. Let the record reflect that General Craddock had an opportunity to examine the documents referred to by our colleague from Massachusetts, and now having had the opportunity to see them, General, would you like to expand on your reply to the question from the Senator from Massachusetts?

General CRADDOCK. Yes, Mr. Chairman. Upon reviewing the documents, indeed, my signature was on a slip, a buck slip, forwarding a memo from the Chairman of the Joint Chiefs to the Secretary on the topic of interrogation techniques. The attachment to the memos, which were the memos in question from the various Service staff judge advocates and general counsels, to my recollection, were never attached to the memorandum from the Chairman to the Secretary. I have not seen those prior to today.

Senator KENNEDY. Mr. Chairman, again, thank you.

Just finally then, so you have indicated that you never saw those memoranda. Is that correct?

General CRADDOCK. That is correct, Senator.

Senator KENNEDY. If you had seen those memoranda, do you think you remember whether you had read them?

General CRADDOCK. I do, sir.

Senator KENNEDY. Well, Mr. Chairman, I appreciate your following through with this. I think it does emphasize the importance of this issue. We know that all four of these went up the line of command up to General Counsel Haynes. At some time I am hopeful that we will be able to inquire of him at an appropriate time.

Chairman WARNER. Senator, you have properly noted to the chair the desirability of having the committee hear from the General Counsel of the Department.

Senator LEVIN. Mr. Chairman, I, of course, also support that.

Chairman WARNER. Let the record show that the ranking member has brought that to the attention of the chairman.

We are proceeding apace on the hearings with regard to the detainee situations. We had the opportunity yesterday to get some information on that subject. By the way, I will be joining you and informing the committee of the documents and pictures in the possession of the committee now, which some members may wish to examine. We will expand on that later.

Are there any further questions of this witness?

Senator KENNEDY. I thank you again, Mr. Chairman, for your typical courtesy. Thank you, General.

Chairman WARNER. General, do I see that your family have departed?

General CRADDOCK. They are in the back of the room, Senator.

Chairman WARNER. They went in the back row. I hoped they had not deserted you. Well, I thank them once again for joining us here, and thank you, General.

Senator LEVIN. You realize, more than ever, how important you are, I hope.

Chairman WARNER. I am hopeful that this nomination can be acted upon by the Senate prior to its period of recess.

General CRADDOCK. Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much.

The committee is adjourned.

[Whereupon, at 11:38 a.m., the committee adjourned.]

[Prepared questions submitted to VADM Timothy J. Keating, USN, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your assignments as Commander, U.S. Naval Forces Central Command from February 2002 through October 2003 and as Director of the Joint Staff since October 2003.

Do you support full implementation of these defense reforms?

Answer. Yes. The success of military operations in the past several years is directly linked to the implementation of these reforms.

Question. What is your view of the extent to which these defense reforms have been implemented, particularly in the U.S. Navy?

Answer. These reforms have been widely implemented with great success throughout the Department of Defense, including the U.S. Navy.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I believe the most important outcomes are improved joint warfighting capabilities, clear operational chains of command and more efficient use of defense resources.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you think it might be appropriate to address in these proposals?

Answer. At this time, I do not see any need to modify the Goldwater-Nichols Act. However, if confirmed, I will not hesitate to make relevant recommendations, if I see a need.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. Northern Command?

Answer. The Commander, U.S. Northern Command is responsible for defending the people and territory of the United States against threats to our homeland. The Commander is also responsible for security cooperation with Canada and Mexico, as well as providing civil support as directed by the President or the Secretary of Defense.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Thirty-three years of military training and experience, to include numerous command positions, have prepared me for assuming command of the North American Aerospace Defense Command and U.S. Northern Command. During Operation Iraqi Freedom, as Commander, U.S. Naval Forces Central Command, I planned and executed joint warfighting missions. In addition, as Director of the

Joint Staff, I have gained invaluable insights into the conduct of joint operations, the duties of a combatant commander and interagency cooperation.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, U.S. Northern Command?

Answer. If confirmed, I will take advantage of every opportunity to improve my knowledge of homeland defense and civil support missions. I look forward to engaging with key players within the Department of Defense, including the National Guard, as well as the interagency community and the newly established homeland defense/homeland security education consortium.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Northern Command, to the following officials:

The Secretary of Defense.

Answer. The Commander, U.S. Northern Command, performs his duties under the authority, direction and control of the Secretary of Defense. He is directly responsible to the Secretary of Defense for the ability of the command to carry out its missions.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense performs duties as directed by the Secretary and performs the duties of the Secretary in his absence. The Commander, U.S. Northern Command, ensures the Deputy has the information necessary to perform these duties and coordinates with him on major issues.

Question. The Under Secretary of Defense for Policy.

Answer. Under secretaries are key advocates for combatant commands' requirements. The Commander, U.S. Northern Command, coordinates and exchanges information with the Under Secretary of Defense for Policy on strategic policy issues involving homeland defense and civil support.

Question. The Under Secretary of Defense for Intelligence.

Answer. The Commander, U.S. Northern Command, coordinates and exchanges information with the Under Secretary of Defense for Intelligence as needed to set and meet the command's intelligence requirements.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. Normally, interaction with assistant secretaries is accomplished through the appropriate under secretary. However, the Commander, U.S. Northern Command, also works directly with assistant secretaries, when appropriate. This is frequently the case with the Assistant Secretary of Defense for Homeland Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. While the Chairman is not in the chain of command that runs from the President and the Secretary of Defense to combatant commanders, his role as the senior uniformed military advisor is critical. The Commander, U.S. Northern Command, supports the chain of command as directed in title 10 and communicates closely with the Chairman to enable him to perform his duties as the principal military advisor to the President and the Secretary of Defense.

Question. The Secretaries of the Military Departments.

Answer. The secretaries of the military departments are responsible for the administration and support of forces assigned to combatant commands. The Commander, U.S. Northern Command, coordinates closely with the secretaries to ensure homeland defense and civil support requirements are met.

Question. The Chiefs of Staff of the Services.

Answer. The Commander, U.S. Northern Command, communicates and exchanges information with the chiefs of staff of the Services to support their responsibility for organizing, training and equipping forces. Successful execution of U.S. Northern Command's new force protection responsibilities also involves close coordination with the service chiefs. Like the Chairman, the service chiefs are valuable sources of judgment and advice for combatant commanders.

Question. The other combatant commanders.

Answer. The Commander, U.S. Northern Command, maintains close relationships with the other combatant commanders. These relationships, which are critical to the execution of our National Military Strategy, are characterized by mutual support, frequent contact and productive exchanges of information on key issues.

Question. The Chief of the National Guard Bureau.

Answer. National Guard forces are likely to be involved in almost all homeland defense and civil support missions; close coordination between U.S. Northern Command and the National Guard Bureau is central to the success of these operations. The Commander, U.S. Northern Command, communicates regularly with the Chief of the National Guard Bureau on issues involving the use of National Guard forces.

Question. If confirmed, in carrying out your duties, how would you work with the Department of Homeland Security, the Homeland Security Council, and other Federal agencies, as well as State and local authorities and representatives from the private sector?

Answer. If confirmed, I will work operational issues with the Department of Homeland Security, the Homeland Security Council and other Federal agencies. I understand U.S. Northern Command's Joint Interagency Coordination Group gives the command a means to communicate with local, State, and Federal agencies and facilitate appropriate Department of Defense assistance.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Commander, U.S. Northern Command?

Answer. As we move further from the tragic attacks of September 11, I believe maintaining the command's focus and intensity in protecting and defending our homeland will be important. Our enemies today are like no other we have faced in our Nation's history; U.S. Northern Command should remain prepared to deter and defeat traditional and unconventional means of attack.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I believe a robust exercise program, involving participants from the Department of Defense, the interagency community, as well as State and local officials, is the cornerstone to success. I also believe the information-sharing culture fostered in U.S. Northern Command is the right approach to help protect Americans where they live and work.

MISSION OF U.S. NORTHERN COMMAND

Question. What is the mission of U.S. Northern Command?

Answer. U.S. Northern Command conducts operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories and interests within its assigned area of responsibility. As directed by the President or Secretary of Defense, the command provides civil support. In addition, the U.S. Northern Command is responsible for theater security cooperation with Mexico and Canada, with full respect for their sovereignty.

Question. How does U.S. Northern Command's mission relate to the Department of Homeland Security's mission?

Answer. The Department of Homeland Security has overall responsibility for civil aspects of protecting our Nation. U.S. Northern Command works closely with elements of the Department of Homeland Security at the tactical and operational level to plan, train for, and execute homeland defense and civil support missions.

Question. Under what circumstances, if any, would you anticipate U.S. Northern Command would have the lead role in responding to a terrorist incident?

Answer. I believe the President or Secretary of Defense would assign U.S. Northern Command the lead role in defending our Nation against a major terrorist attack. They may also assign U.S. Northern Command the lead in the case of an attack by weapons of mass destruction, or in the event that a terrorist incident occurs on a Department of Defense installation.

Question. What responsibility, if any, does U.S. Northern Command have with respect to the Critical Asset Assurance Program (CAAP)?

Answer. Homeland Security Presidential Directive-7, published in December 2003, assigns the Department of Homeland Security primary responsibility for critical infrastructure protection (the successor program to CAAP) within the United States. It also assigns the Secretary of Defense responsibilities for the protection of the defense industrial base. It is my understanding that the Office of the Secretary of Defense is drafting policy guidance for U.S. Northern Command regarding its responsibilities for critical infrastructure protection.

ORGANIZATION AND AUTHORITY

Question. U.S. Northern Command has recently been assigned responsibility for force protection and antiterrorism within its area of responsibility.

What actions would you take, if confirmed, to mitigate force protection vulnerabilities, and what force protection challenges do you anticipate you would face within U.S. Northern Command theater of responsibility?

Answer. If confirmed, I will ensure U.S. Northern Command's force protection and antiterrorism program, which will achieve full program execution on 1 October 2004, includes an aggressive vulnerability assessment process that involves the Joint Staff and Service/Department of Defense Agencies' headquarters. Vulnerabilities will be measured against established standards and risk mitigated throughout the U.S. Northern Command area of responsibility. Spot checks will be performed as needed to verify fixes. This standardization of the various force protection and antiterrorism programs will be a challenge due to the diversity and vastness of U.S. Northern Command's area of responsibility.

Question. What specific forces, if any, have been assigned to U.S. Northern Command?

Answer. Forces assigned to U.S. Northern Command include Joint Task Force Civil Support, Joint Task Force Six, Joint Force Headquarters National Capital Region, and the Commanders of the four Service components (Army North, Northern Air Force, Marine Forces North, and Navy North).

Question. How has the assignment of forces to U.S. Northern Command changed since U.S. Northern Command was established on October 1, 2002?

Answer. Since 1 October 2002, U.S. Northern Command has stood up a Joint Force Headquarters National Capital Region. In addition, they deactivated Joint Force Headquarters Homeland Security.

NORAD

Question. What is the mission of the North American Aerospace Defense Command?

Answer. The missions of the North American Aerospace Defense Command are aerospace warning and aerospace control. Aerospace warning consists of detection, validation, and warning of an attack against North America. Aerospace control consists of air sovereignty and air defense of United States and Canadian airspace.

Question. How does NORAD's mission relate to U.S. Northern Command's mission?

Answer. The missions of the North American Aerospace Defense Command and U.S. Northern Command are complementary. The North American Aerospace Defense Command conducts operations in the air domain and provides warning of ballistic missile attack. U.S. Northern Command conducts land and maritime defense, U.S.-only air missions and civil support. The commands coordinate on many issues and work side-by-side.

Question. How does NORAD's mission relate to DHS's mission?

Answer. The North American Aerospace Defense Command provides a layer of deterrence that supports the Department of Homeland Security's mission.

JTF-CS AND JTF-6

Question. Since the establishment of U.S. Northern Command, several multi-service commands, e. g., Joint Task Force-Civil Support (JTF-CS), Joint Task Force-Six (JTF-6), have been placed under its authority.

What is the current status of the transfer of command of these organizations?

Answer. The transfer of command for JTF-CS and JTF-6 occurred on 1 October 2002 when U.S. Northern Command was activated. These organizations serve as subordinate commands under U.S. Northern Command.

Question. At the present time, various units with responsibilities relating to the counter-drug mission, including Joint Interagency Task Force-East, and Joint Interagency Task Force-West are assigned to various combatant commanders.

Do you anticipate that either of these units will eventually be assigned to U.S. Northern Command? Are there any plans to merge these joint interagency task forces?

Answer. I would not anticipate the assignment of Joint Interagency Task Force South (which includes the former Joint Interagency Task Force East) or Joint Interagency Task Force West to U.S. Northern Command, and I am not aware of any plan to merge these task forces.

Question. What role does U.S. Northern Command play in the Department's overall counterdrug mission and organization?

Answer. U.S. Northern Command, through Joint Task Force Six, synchronizes and integrates Department of Defense operational, training, and intelligence support to domestic law enforcement agency counterdrug efforts in the continental

United States. It serves as a force multiplier by enhancing law enforcement agency effectiveness.

Question. How are counterdrug operations coordinated across combatant command boundaries, particularly with U.S. Southern Command?

Answer. U.S. Northern Command and U.S. Southern Command have a Command Arrangement Agreement that facilitates counterdrug operations across area of responsibility boundaries. This agreement provides for a shared common operational picture and notification procedures when forces transit areas of responsibilities in the conduct of their mission. Intelligence information is routinely exchanged to eliminate border seams.

Question. The National Defense Authorization Act for Fiscal Year 2004 included a provision (section 1022) that authorizes forces providing support to law enforcement agencies conducting counter-drug activities to also provide, subject to all applicable laws and regulations, support to law enforcement agencies conducting counterterrorism activities.

How has this authority been implemented, and what financial resources do these task forces have to conduct counter-terrorism missions?

Answer. My understanding is that JTF-6 will become Joint Task Force North by 1 October 2004 and expand beyond counterdrug activities into counterterrorism. It will still be aligned under U.S. Northern Command. Its mission will include the detection, monitoring, and support of the interdiction of suspected transnational threats in the approaches to the continental United States. Similar to the counterdrug mission, Department of Defense forces will be in support of law enforcement agencies and follow all applicable laws and restrictions. There are currently no additional resources provided exclusively to JTF-6 for the counterterrorism mission. At the present time, the only counterterrorism missions are those conducted in conjunction with a counterdrug operation.

NATIONAL GUARD

Question. There is still considerable debate about the role the National Guard should play in defending the homeland.

Do you believe that defending the homeland should become the National Guard's primary mission?

Answer. The National Guard is fundamental to homeland defense and plays an important role in planning for and responding to terrorist attacks in the United States. If confirmed, I am confident National Guard forces will be available when needed to defend our Nation.

Question. What is the current status of the working relationship between U.S. Northern Command, the National Guard Bureau, and individual state National Guard headquarters?

Answer. U.S. Northern Command and the National Guard Bureau have a strong relationship. Through the National Guard Bureau, U.S. Northern Command coordinates with state headquarters for planning purposes and maintains situational awareness of National Guard actions and commitments.

Question. If confirmed, what type of liaison relationships for planning and operational purposes would you advocate between U.S. Northern Command, the Department of Homeland Security, Federal, State, and local first responders, and National Guard units under State authority?

Answer. If confirmed, U.S. Northern Command will continue to work with the Department of Homeland Security on operational planning, training, and execution of homeland defense and civil support missions. U.S. Northern Command will support the Department of Homeland Security's efforts to assist governors and civil authorities in executing homeland security responsibilities. The Department of Defense does not engage directly with State governors on the role of National Guard forces operating under State authority. However, the National Guard Bureau keeps U.S. Northern Command informed of State-level homeland security activities involving National Guard forces.

Question. Do you believe that changes to the "posse comitatus" doctrine under section 1385 of title 10, United States Code, and implementing DOD and Service regulations, would enhance U.S. Northern Command's ability to accomplish its mission?

Answer. No, my understanding is that the Posse Comitatus Act has in no way hampered U.S. Northern Command's ability to accomplish its missions.

WEAPONS OF MASS DESTRUCTION—CIVIL SUPPORT TEAMS

Question. In recent years, legislation has been enacted to establish additional Weapons of Mass Destruction—Civil Support Teams (WMD-CST) with the goal of ensuring that all 54 states and territories have a WMD-CST within their borders.

The Department is currently reviewing the mission, doctrine, organization, and equipping of these teams.

In your view, do the WMD-CSTs need more robust capabilities to not only diagnose but also manage the response to a WMD attack, including decontamination functions?

Answer. Yes.

Question. Do you think that the WMD-CSTs have adequate transportation support to respond to an event within an appropriate time frame?

Answer. Yes. To the best of my knowledge, the WMD-CSTs have not encountered any transportation difficulties in responding to events.

Question. Do you believe it is advisable for at least some of the teams to have a chemical-biological response capability similar to that of the U.S. Marine Corps' Chemical Biological Incident Response Force (CBIRF)?

Answer. Yes. I fully support the establishment of National Guard Chemical, Biological, Radiological, Nuclear and High-Yield Explosive Enhanced Response Force Packages.

MARITIME NORAD

Question. Several proposals have been made to expand NORAD's focus from air to air, land, and sea. The Chief of Naval Operations has suggested creating a "maritime NORAD," and a recent Defense Science Board study recommended that the Department improve and integrate its maritime intelligence, surveillance, and reconnaissance assets with those of the Departments of Homeland Security and Transportation, the CIA, and the FBI.

What do you think would be the advantages and disadvantages of such an approach?

Answer. I believe that improving our awareness of the maritime domain is critical to the security of the United States. There are vulnerabilities in our maritime approaches. Numerous initiatives, including the 96-hour notice of arrival requirement to offload at a U.S. or Canadian port and the automatic identification system—a maritime equivalent to Federal Aviation Administration transponders—are being implemented to improve our maritime awareness. However, these initiatives will only affect large vessels, which still leaves a significant gap in our maritime awareness. Therefore, it is to our advantage to ensure information and intelligence are shared regardless of the source agency. I believe a cooperative approach is an optimal solution to this dynamic problem, and I see no disadvantage to such a pursuit.

Question. What are your views on potential cooperative Canadian-U.S. maritime activities?

Answer. Continuing cooperation between Canada and the United States on maritime activities would improve our national security. There is currently a robust information-sharing network among our maritime agencies. Security could be further enhanced by a NORAD-like agreement in the maritime domain.

INFORMATION SHARING

Question. On June 9, 2004, an incident involving a private aircraft entering the National Capital Region airspace led to the evacuation of the U.S. Capitol. The emergency apparently resulted from shortfalls in the ability of various government agencies, including the Federal Aviation Administration, the Department of Homeland Security, and the Department of Defense to share information. The mission of U.S. Northern Command requires rapid, secure, and effective communication with a variety of Federal, State, and local entities.

What steps would you take, if confirmed, to ensure that rapid communication is possible?

Answer. If confirmed, I will work to improve communication during times of crisis. My experience as Commander of Carrier Group Five in Yokosuka Japan taught me the importance of exercises that are designed to enhance communications. This is clearly a challenging issue that I believe warrants continued close attention.

Question. Are there any legal impediments that exist that slow or prevent the rapid dissemination of information gained by military components with other Federal, State, or local entities, or the private sector?

Answer. I am not aware of any.

INTELLIGENCE SHARING/TTIC

Question. What is the U.S. Northern Command's role and involvement in developing intelligence assessments regarding terrorist threats?

Answer. U.S. Northern Command does not collect intelligence data. The Command's Combined Intelligence and Fusion Center coordinates the analysis and fu-

sion of intelligence and collaborates with intelligence and law enforcement agencies to develop terrorist threat assessments. These assessments are shared with decisionmakers, the Intelligence Community, and law enforcement agencies.

Question. What intelligence agencies are involved in providing input to U.S. NORTHCOM's staff for the development of intelligence assessments?

Answer. U.S. Northern Command has representatives from many of the Federal intelligence agencies in its headquarters, to include the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, the Defense Intelligence Agency and the National Geospatial Intelligence Agency, who collaborate in the development of intelligence assessments. In addition, U.S. Northern Command receives information from the Joint Intelligence Task Force Combating Terrorism, the Office of Naval Intelligence, the Coast Guard Intelligence Coordination Center, the Department of Homeland Security, and the Government of Canada.

Question. What is the current nature of the relationship between U.S. Northcom and the Terrorist Threat Integration Center (TTIC), and what will that relationship be in the future?

Answer. U.S. Northern Command and the TTIC exchange analyses and collaborate on key issues daily. I understand the command plans to assign an Intelligence Liaison Officer to the TTIC to facilitate the exchange of information.

Question. How do posse comitatus, privacy restrictions, and other laws and regulations concerning the collection of intelligence within the U.S. affect the way U.S. NORTHCOM receives and uses intelligence?

Answer. U.S. Northern Command leverages the authorized intelligence collection activities already performed by national-level agencies, which are responsive to the command's information requirements. U.S. Northern Command fuses the information to develop comprehensive situational awareness of current and potential terrorist threats, facilitating timely notification to decisionmakers.

CRUISE MISSILE DEFENSE

Question. How serious do you believe the cruise missile threat is to the United States and its territories?

Answer. I do believe there is a threat from low altitude fliers, to include cruise missiles.

Question. If confirmed, what capabilities would you prioritize to address this threat?

Answer. The ability to detect and track objects over-the-horizon, as well as above, on and below the surface is critical. If confirmed, I will advocate for a persistent wide area low-altitude surveillance capability. I understand the high altitude airship shows promise as a cost-effective solution to this challenge.

CONTINENTAL AIR DEFENSE

Question. How has the continental air defense mission changed since the end of the Cold War and the events of September 11, 2001?

Answer. Prior to 11 September 2001, the North American Aerospace Defense Command's air defense posture was aligned to counter external threats to North America. In response to the attacks on 11 September 2001, the command's mission was expanded to protect against domestic airborne threats.

Question. Do you believe that current U.S. continental air defense capabilities are adequate to meet national security needs? If confirmed, what capabilities and programs would prioritize to address any identified deficiencies?

Answer. Yes, the North American Aerospace Defense Command has adequate air defense capabilities. If confirmed, my priorities will be to support Operation Noble Eagle, integrate missile defense, and improve the North American Aerospace Defense Command's common operational picture.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate

and necessary security protection, with respect to your responsibilities as Commander, U.S. Northern Command, and Commander, NORAD?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

NORTHCOM/NATIONAL GUARD RELATIONSHIP

1. Senator CHAMBLISS. Admiral Keating, you outline in your responses to advanced policy questions the relationship between U.S. Northern Command (NORTHCOM) and the National Guard Bureau. This is a key relationship since, in the event of a terrorist attack or imminent threat to our homeland security, personnel from NORTHCOM and the National Guard will need to work very closely together. Can you outline for me what types of personnel relationships NORTHCOM and the Guard Bureau have now?

Admiral KEATING. There has always been a strong relationship between the National Guard and NORTHCOM. As you may recall the Chief of the National Guard Bureau, Lieutenant General Blum, served as the NORTHCOM Chief of Staff during our initial standup. There is a National Guard liaison office within the command to coordinate homeland defense and civil support action. In addition, the National Guard Bureau and NORTHCOM share operational information daily to ensure situational awareness and to synchronize operations, planning and exercising.

2. Senator CHAMBLISS. Admiral Keating, are personnel from the National Guard assigned to NORTHCOM and, if so, what types of roles do the National Guard personnel fulfill?

Admiral KEATING. Forty-one full-time Army and Air National Guardsmen are assigned to NORTHCOM from senior noncommissioned officers to major general. National Guardsmen serve in a wide range of positions from action officers and division chiefs to the Command's Chief of Staff.

3. Senator CHAMBLISS. Admiral Keating, do you envision a greater need for National Guard representation at NORTHCOM Headquarters and subordinate units?

Admiral KEATING. Not at this time. However, NORTHCOM will continue to assess its force structure in light of changing threats.

INTELLIGENCE NEEDS

4. Senator CHAMBLISS. Admiral Keating, you mention that NORTHCOM does not collect intelligence data, but instead coordinates the analysis and fusion of intelligence which is collected by other Federal and military departments. However, I am sure NORTHCOM does generate intelligence collection requirements, and my question is are you satisfied with the Intelligence Community's responsiveness to your requirements and what types of intelligence information does NORTHCOM not have that you believe would make you better able to execute your mission?

Admiral KEATING. The NORTHCOM Intelligence Directorate does generate intelligence collection requirements for action by other agencies. I understand the command receives the intelligence and information they need to develop threat characterization and provide warning. However, the use of "restrictive caveats" and "data ownership" by collecting agencies can slow data dissemination and impede usability in some instances.

5. Senator CHAMBLISS. Admiral Keating, reforming the Intelligence Community is a very high priority for Congress and it has been highlighted recently by the Senate Select Committee on Intelligence and the 9/11 Commission. As a principle user of intelligence, do you have any concerns or recommendations about intelligence reform? Specifically, are you concerned that there is a possibility that a stronger civilian Director of National Intelligence might negatively impact the timeliness and quality of intelligence support that your respective command is now getting from the Department of Defense (DOD)?

Admiral KEATING. We do not anticipate a negative impact from the creation of a strong Director of National Intelligence. However, we believe care should be taken to ensure any change in the structure of the Intelligence Community results in enhanced intelligence and information flow. The focus should be on eliminating collector agency "data ownership" to ensure usability in the field.

6. Senator CHAMBLISS. Admiral Keating, the Intelligence Community is made of 15 agencies, 8 of which are in the DOD. Do you see advantages of putting these eight DOD agencies under a new four-star Unified Commander for Intelligence who would then provide centralized intelligence support to your command in a similar fashion that transportation support and special operations support are provided by U.S. Transportation Command and U.S. Special Operations Command respectively?

Admiral KEATING. We see no advantage in combining the eight intelligence agencies under a new Unified Commander for Intelligence, since each combatant commander has unique missions and geographic responsibilities.

QUESTION SUBMITTED BY SENATOR CARL LEVIN

NORTHERN COMMAND ANTITERRORISM/FORCE PROTECTION

7. Senator LEVIN. Admiral Keating, NORTHCOM was recently authorized to establish baseline antiterrorism/force protection levels within the United States for military installations, and to integrate the numerous disparate assessments and enforcement standards for installation security among Services, agencies, other combatant commands, and States. Two years ago the National Defense Authorization Act directed the Secretary of Defense to establish a comprehensive plan for protecting installations against terrorist attacks in a manner that reduces redundancy and encourages efficiency. The comprehensive, rigorous strategy we requested has yet to be submitted to Congress. If confirmed, will you work on this military installation security plan with Assistant Secretary of Defense for Homeland Defense McHale?

Admiral KEATING. Yes, I look forward to working with Secretary McHale on a comprehensive plan for protecting installations against terrorist attacks.

[The nomination reference of VADM Timothy J. Keating, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 15, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C, section 601:

To be Admiral

VADM Timothy J. Keating, 8508.

[The biographical sketch of VADM Timothy J. Keating, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF CAREER SERVICE OF VADM TIMOTHY J. KEATING, USN

Date and place of birth: November 16, 1948; Dayton, Ohio.

Promotions:

Midshipman, U.S. Naval Academy	28 Jun. 1967
Ensign, U.S. Navy	09 Jun. 1971
Lieutenant (junior grade)	09 Dec. 1972
Lieutenant	01 Jul. 1975
Lieutenant Commander	01 Jun. 1980
Commander	01 Jun. 1986

Captain	01 Sep. 1992
Rear Admiral (lower half)	01 Jul. 1997
Designated Rear Admiral while serving in billets commensurate with that grade	Mar. 1999
Rear Admiral	01 Aug. 2000
Designated Vice Admiral while serving in billets commensurate with that grade	06 Oct. 2000
Vice Admiral, service continuous to date	01 Nov. 2000

Assignments and duties:

	From	To
U.S.S. <i>Leonard F. Mason</i> (DD 852) (Assistant Navigator)	Jun. 1971	Jun. 1971
Naval Aviation Schools Command, Naval Air Station, Pensacola, FL (DUINS)	Jan. 1972	May 1972
Training Squadron ONE NINE (DUINS)	Jun. 1972	Sep. 1972
Training Squadron TWO TWO (DUINS)	Sep. 1972	Aug. 1973
Training Squadron TWO TWO (Assistant Schedules/Advanced Jet Flight Instructor)	Aug. 1973	Sep. 1974
Training Wing TWO, NAS Kingsville, TX (Staff Training Records/Stats Officer)	Sep. 1974	Jul. 1975
Attack Squadron ONE SEVEN FOUR (Ready Replacement Officer)	Aug. 1975	Mar. 1976
Attack Squadron EIGHT TWO (Assistant Aircraft Officer)	Mar. 1976	Sep. 1978
Attack Squadron ONE TWO TWO (Landing Signal Officer/Navigation Phase Instructor)	Sep. 1978	May 1980
Commander, Carrier Air Wing ONE FIVE (Landing Signal Officer/Assistant Safety Officer)	May 1980	May 1982
Attack Squadron NINE FOUR (Administrative/Operations/Maintenance Officer)	May 1982	Jul. 1984
Commander, U.S. Pacific Command (Flag Lieutenant)	Aug. 1984	Aug. 1985
Attack Squadron ONE SEVEN FOUR (Replacement Pilot)	Aug. 1985	Nov. 1985
XO, Strike Fighter Squadron EIGHT SEVEN	Nov. 1985	May 1987
CO, Strike Fighter Squadron EIGHT SEVEN	May 1987	Jan. 1989
Commander, Naval Military Personnel Command (Head Aviation LCDR/JO Assignment Branch)	Feb. 1989	Sep. 1990
Commander, Carrier Air Wing ONE SEVEN (Deputy (Air Wing Commander)	Jan. 1991	Jul. 1991
Strategic Studies Group Fellow	Aug. 1991	Jun. 1992
CJTF-SWA (Deputy Director of Operations)	Oct. 1992	Dec. 1992
Commander, Carrier Air Wing NINE	Dec. 1992	Nov. 1994
CO, Strike Warfare Center, Fallon, NV	Nov. 1994	Sep. 1995
Bureau of Naval Personnel (Director, Aviation Officer Distribution Division (PERS-43))	Sep. 1995	Aug. 1996
Joint Staff (Deputy Director for Operations (Current Operations)) (J-33)	Aug. 1996	Jun. 1998
Commander, Carrier Group FIVE	Jun. 1998	Oct. 2000
Deputy Chief of Naval Operations (Plans, Policy and Operations) (N3/N5)	Oct. 2000	Jan. 2002
Commander, U.S. Naval Forces, Central Command/Commander, FIFTH Fleet	Feb. 2002	Oct. 2003
Joint Staff (Director)	Oct. 2003	To Date

Medals and awards:

Defense Distinguished Service Medal
 Legion of Merit with two Gold Stars
 Defense Meritorious Service Medal
 Meritorious Service Medal with one Gold Star
 Air Medal with Second and Third Strike/Flight Awards
 Navy and Marine Corps Commendation with Combat "V" and two Gold Stars
 Navy and Marine Corps Achievement Medal with one Silver Star
 Joint Meritorious Unit Award
 Navy Unit Commendation with two Bronze Stars
 Meritorious Unit Commendation
 Navy "E" Ribbon
 Navy Expeditionary Medal
 National Defense Service Medal with one Bronze Star
 Vietnam Service Medal
 Southwest Asia Service Medal
 Humanitarian Service Medal
 Sea Service Deployment Ribbon
 Republic of Vietnam Campaign Medal
 Kuwait Liberation Medal
 Pistol Marksmanship Medal with Silver "E"

Special qualifications:

BA (Physics) U.S. Naval Academy, 1971.
 Designated Naval Aviator, 3 August 1973.
 Designated Joint Specialty Officer, 1988.

Personal data:

Wife:
 Wanda Lee Keating of Alexandria, Virginia
 Children:

Daniel Patrick Martin (Stepson); Born: 6 February 1969.

Julie Cathryn Martin Camardella (Stepdaughter); Born: 7 December 1972.

Summary of joint duty assignments:

Assignment	Dates	Rank
Commander, U.S. Pacific Command (Flag Lieutenant)	Aug. 1984–Aug. 1985	LCDR.
Joint Staff (Deputy Director for Operations (Current Operations)) (J-33)	Aug. 1996–Jun. 1998 ..	RDML.
Commander, U.S. Naval Forces, Central Command/Commander, Fifth Fleet	Feb. 2002–Oct. 2003 ..	VADM.
Joint Staff (Director)	Oct. 2003–To Date	VADM.

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by VADM Timothy J. Keating, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Timothy John Keating.

2. **Position to which nominated:**

Commander, Northern Command/Commander, North American Aerospace Defense Command.

3. **Date of nomination:**

15 June 2004.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

16 November 1948; Dayton, Ohio.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Wandalee Keating.

7. **Names and ages of children:**

Stepson: Daniel Pratt Martin (34)

Stepdaughter: Julie Catherine Camardella (31).

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

None.

9. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

None.

10. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Association of Naval Aviation, Veterans of Foreign Wars.

11. Honors and Awards: List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

None.

12. Commitment to testify before Senate committees: Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. Personal views: Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the appendix to this volume. The nominee’s answers to Parts B–E are contained in the committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

TIMOTHY J. KEATING.

This 27th day of May, 2004.

[The nomination of VADM Timothy J. Keating, USN, was reported to the Senate by Chairman Warner on July 22, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2004.]

[Prepared questions submitted to LTG Bantz J. Craddock, USA, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms, particularly in your assignments as the Assistant Deputy Director for Strategy, J–5, on the Joint Staff and Military Assistant to the Secretary of Defense.

Do you support full implementation of these defense reforms?

Answer. Yes I do.

Question. What is your view of the extent to which these defense reforms have been implemented, particularly in the U.S. Army?

Answer. The Defense Authorization Act of 1986 accelerated the integration and synchronization of all our military’s capabilities to fight and win all of our wars decisively. The legislation strengthened the authority of civilian control over the Armed Forces while at the same time provided the combatant commander the authority and flexibility to perform his mission. More specifically, the Goldwater-Nich-

ols reforms have improved military operations by not only the Army, but the Air Force, Navy, and Marines.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I believe the most important aspect of these reforms is the expansion of the combatant commander's responsibilities. The Goldwater-Nichols Act revised the authority of the regional combatant commander and clearly defined his responsibilities.

These changes simplified the chain of command and improved the planning and execution of assigned missions during times of crises. While providing for more efficient use of DOD resources these reforms have also resulted in far more effective joint military activities and operations.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy, and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I completely agree with these goals.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you think it might be appropriate to address in these proposals?

Answer. The Center for Strategic and International Studies has conducted a study which is under review by the Department of Defense with the intent of strengthening Goldwater-Nichols. This study provides options for change including actions taken within the department, those requiring interagency coordination and those requiring statutory change.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. Southern Command?

Answer. The Commander of U.S. Southern Command is assigned the geographical area of responsibility (AOR) and reports directly to the Secretary of Defense. The commander is responsible for U.S. military forces assigned to the AOR—which includes 30 countries throughout Latin America and the Caribbean. The duties and functions of a combatant commander include, but are not limited to: prescribing the chain of command, including authoritative direction over all aspects of military operations, joint training and logistics; organizing commands and forces and employing them within his command as necessary to carry out the command's assigned missions; and assigning command functions to subordinate commanders.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I am indeed honored by the President's nomination to be the Commander of U.S. Southern Command. Over the last several years, I have served in both Joint and Army assignments involved in planning and the actual conduct of operations, and while not in the U.S. Southern Command's geographical area, are similar to many of the operations and activities found in Latin America today. While serving as the Senior Military Assistant to the Secretary of Defense, I have had the opportunity to observe and participate in international, interagency, joint and combined strategy, and policy formulation across the spectrum of conflict. As the Commanding General of the 1st Infantry Division of the U.S. Army in Europe, I deployed forces to Kosovo in support of the U.S. European Command. Prior to that assignment, as a Brigadier General and Assistant Division Commander of that same Division, I commanded Joint Task Forces in Macedonia and Kosovo, both commands providing enormous insights into the challenges associated with coalition, combined and joint operations.

While assigned to the Joint Staff as the Assistant Deputy Director for Strategy and Policy, J-5, I gained great understanding of the interagency process and the relationships between the office of the Secretary of Defense, the Joint Chiefs, the Joint Staff, and the combatant commanders. The privilege of commanding U.S. forces, from platoon through division level, to include in combat in Operation Desert Storm, has provided me the keen perspectives on training, caring for, and leading the superb men and women of our Armed Forces.

These assignments have provided me a strong foundation and a diversity of experiences that will serve me well if confirmed as the Commander of U.S. Southern Command.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, U.S. Southern Command?

Answer. If confirmed, I will engage with the governments and militaries of partner nations to fully understand the complex issues in this region. Further, I will work closely with key officials and personnel within the Executive and Legislative branches of the U.S. government to analyze and address these complex issues.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command.

Please describe your understanding of the relationship of the Commander, U.S. Southern Command to the following offices:

Question. The Secretary of Defense

Answer. The commander is responsible to the President and the Secretary of Defense for accomplishing the military missions assigned to him and exercises command authority over forces assigned to the combatant commander as directed by the Secretary of Defense. The combatant commander has the obligation to promptly inform the Secretary of Defense on accountable matters within his regional or functional AOR.

Question. The Deputy Secretary of Defense

Answer. The Deputy Secretary of Defense is the second ranking senior official within the Office of the Secretary of Defense. On those matters delegated by the Secretary to his Deputy Secretary, the commander coordinates and exchanges information with the Deputy Secretary. In practice, responsibility for significant matters has been so delegated to the Deputy Secretary, which requires direct communication on a regular basis between the combatant commander and the Deputy Secretary.

Question. The Under Secretary of Defense for Policy

Answer. There is no direct command relationship between the Under Secretary of Defense for Policy and the Combatant Commander. The Under Secretary of Defense for Policy coordinates and exchanges information with Department of Defense components such as Combatant Commanders.

Question. The Under Secretary of Defense for Intelligence

Answer. There is no direct command relationship between the Under Secretary of Defense for Intelligence and the combatant commander. The Under Secretary of Defense for Intelligence and the combatant commander coordinate and exchange information regularly.

Question. The Assistant Secretary of Defense for International Security Affairs

Answer. A direct command relationship does not exist between the Assistant Secretary of Defense for International Security Affairs and the combatant commander. The Assistant Secretary of Defense for International Security Affairs works with the combatant commander on mutual issues of concern.

Question. The Assistant Secretary of Defense for Homeland Defense

Answer. There is no direct command relationship between the Assistant Secretary of Defense for Homeland Defense and the combatant commander. The Assistant Secretary of Defense works closely with all Department of Defense components, to include combatant commanders.

Question. The Chairman of the Joint Chiefs of Staff

Answer. The Chairman is not in the direct chain of command from the President and Secretary of Defense to the commander and has no command authority over the combatant commander. However, the Chairman is the principal military advisor to the President and the Secretary of Defense and a key conduit between the combatant commander, Interagency and Service Chiefs. Communications to the combatant commanders from the President or the Secretary of Defense are transmitted through the Chairman of the Joint Chiefs of Staff. The combatant commander keeps the Chairman and his staff advised of accountable matters and critical issues that affect his unified command.

Question. The secretaries of the military departments

Answer. The secretaries of military departments are responsible for administration and support of forces that are assigned to unified and specified commands. Additionally, at Guantanamo Bay Cuba, U.S. Southern Command provides support to

the Secretary of the Navy in his role as the Department of Defense's executive agent for the Combatant Status Review Tribunals.

Question. The Chiefs of Staff of the Services

Answer. As advisors to the Chairman and the Secretary of Defense, and as the senior uniformed leaders of their respective Services, the Service Chiefs play a critical role in transforming their Services' force structure and capabilities—an issue of high interest to the combatant commander. The combatant commander must rely upon the Service Chiefs to provide properly equipped and capable forces to accomplish missions in his assigned AOR.

Question. The other combatant commanders

Answer. Formal relationships between the combatant commanders are based upon operational plans. The plans lay out clearly the roles of the commanders as "supporting" or "supported." These planned relationships mandate close coordination in peacetime and training.

Question. U.S. Chiefs of Mission within the U.S. Southern Command area of responsibility

Answer. There is no command relationship between the Chiefs of Mission and the commander. However, the commander coordinates and exchanges information with Chiefs of Mission on matters of common interest, to include assessments, military operations and engagement efforts with foreign defense officials.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Commander, U.S. Southern Command?

Answer. Currently, all 30 of the countries in the U.S. Southern Command AOR are led by democratically elected leaders, many of whom are faced with threats that are undermining the security and stability of their nations. These threats include: 1) terrorism, 2) transnational threats, and 3) the challenges of supporting partner nations in their efforts to deal with the threats they face.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I intend to ensure that U.S. Southern Command's "Theater Strategy" incorporates as a central theme the collective security of our partner nations. I will foster improved security relationships to promote regional solutions to shared regional challenges. I will ensure prioritization of security activities to areas that offer the greatest leverage for protecting and advancing U.S. regional and global interests. Further, I will continue to promote military-to-military contacts to enhance the professionalism of the region's militaries. Finally, I will work diligently to ensure our military efforts are fully coordinated and synchronized with other U.S. government agencies.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the Commander, U.S. Southern Command?

Answer. Dealing with weak states whose transition to a democratic form of government is not satisfying the economic and social expectations of the citizens. Narcoterrorism, drug-funded gangs, kidnapping, and crime combine to make Latin America the world's most violent region as measured by homicides. It is imperative to remain active in assisting countries to maintain stability, promote prosperity, and enhance regional cooperation in this area of significant strategic importance to the U.S.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will immediately conduct a thorough assessment to build upon and modify where necessary current initiatives and programs that effectively address these challenges. I will work through established Department of Defense venues and processes and continue to engage Congress for appropriate resources and support to the region.

PANAMA CANAL

Question. It has been several years since the United States turned operation of the Panama Canal over to the Panamanian Government.

What is the current political and economic situation in Panama?

Answer. Economically, Panama's economy grew 4.1 percent in 2003 and is expected to exceed 4 percent again in 2004. The current government, although plagued by alleged ineffectiveness and corruption, remains politically stable. But there are enormous social challenges. The new President-elect, Martin Torrijos, assumes office on September 1 of this year. Hopefully his strong mandate will aid his administra-

tion in fighting corruption, addressing the high level of public debt, reducing unemployment and tackling widespread poverty.

Question. To what extent does the Panamanian government attempt to interdict the drug flow out of South America through Panama?

Answer. Despite limited capabilities, the Government of Panama continues to demonstrate its willingness to combat drug trafficking and improve efforts to interdict the drug flow from South America. The Panamanian Air Service (SAN) and Maritime Service (SMN) are actively engaged in disrupting the flow of illicit drugs through their sovereign territory. Since 2003, the SMN has supported U.S. sponsored multilateral counterdrug operations. This has significantly improved the mutual coordination and independent cooperation between the Colombian Navy and the SMN.

Question. What is your assessment of how Panama is protecting and maintaining the Panama Canal?

Answer. Following the turnover of the Panama Canal in 1999, the Government of Panama formed the Panama Canal Authority (PCA) to oversee its operation. The PCA's efforts to date have been remarkable, exceeding expectations by improving efficiency, security and safety while simultaneously increasing its tonnage, and profitability. A very professional and dedicated workforce, overseen by an experienced and competent management structure, operates the Panama Canal. Panamanians understand how critical the canal is to their economy and take their enormous responsibility in the context of global commerce very seriously. The Government of Panama and the Panama Canal Authority have achieved a high level of efficiency and security and continually strive to improve.

Last year, Southern Command sponsored PANAMAX, an exercise designed to focus on the defense of the Panama Canal against terrorism. PANAMAX has become an annual endeavor in which a growing number of countries participate. This year, we expect the participation of nine partner nations to secure both the Pacific and Caribbean approaches to the Canal.

Question. How vulnerable is the Panama Canal to attack by terrorists, and what would be the consequences of an attack to U.S. national security interests?

Answer. The foundation of the Canal is a watershed that is formed by man-made lakes and dams, but relies on the natural rainfall in the region to maintain water levels necessary for Canal operations. It is dependent on a series of man-made locks, a large labor force, electrical power, telecommunications, oil, maintenance, and security to ensure its continued operation 24 hours a day, 365 days a year. Because of its complexity, and because it must remain open to cargo and shipping from all over the world, there will always be some risk that its many infrastructure systems and facilities are vulnerable to sabotage or terrorist attack. The only way to eliminate risk altogether would be to shut it down. Therefore, it is important to assess risks from the security, economic, and safety standpoints and apply protections and/or mitigations where feasible. Even more important, is the need to build redundancy in infrastructures, provide for adequate response to incidents, and ensure the capability of effective recovery, if required.

The Panama Canal is the most important infrastructure in Southern Command's area of responsibility. The Canal is of significant economic importance to the world and critical to the people of Panama. Two-thirds of the goods that transit the canal are coming from or going to U.S. ports. Disruption of Canal operations could create a significant impact on global commerce as well as the U.S. economy.

ROLE OF U.S. SOUTHERN COMMAND

Question. If confirmed as the Commander of the U.S. Southern Command, you will be responsible for all military operations in that region. These include the Department's counternarcotics efforts in the source nations and transit zone, detainee and interrogation operations at Guantanamo Bay, security of the Panama Canal, and enhancing relationships between the military personnel of the United States, Latin America, and the Caribbean in order to instill democratic values in the military organizations of the region. If confirmed, you will face the challenge of pursuing these missions at a time when there appears to be movement away from democracy in some nations, and increasing instability in other nations.

If confirmed, what will be your highest priorities and what actions would you propose to counter the growing threat to democracy in the region?

Answer. If confirmed, my highest priorities will be to: 1) continue to prosecute the war on terrorism in the AOR; 2) enhance regional security cooperation to counter transnational threats; and 3) closely coordinate Southern Command's efforts with the interagency in assisting partner nations' efforts to address the threats they face in maintaining effective democracies.

STABILITY OF THE REGION

Question. Instability in one nation in the U.S. Southern Command area of responsibility has often "spilled over" into neighboring countries. An example is Colombia where insurgents have used the neighboring countries of Venezuela, Ecuador, and Panama to escape detection. These groups have even engaged in illegal activities in those countries, such as kidnapping for ransom.

What additional actions can be taken to improve regional cooperation and coordination to avoid this "spillover" effect?

Answer. It may help to first clarify terminology—the terms "insurgents" or "guerillas" are less applicable today than in the past. I believe the term "narcoterrorists" is more appropriate, given the fact that the center of gravity for these groups is the incredible financial support they get from illicit drug trafficking, which motivates them to protect and manage the entire process of growing, processing, and trafficking illicit drugs.

Southern Command, through its Theater Security Cooperation Strategy (TSC), seeks to build and/or improve defense relationships and partner nation (PN) capabilities, including interoperability, and promote regional cooperation to meet the variety of transnational challenges that confront the region. I will build on General Hill's successes in changing the TSC model from a bilateral approach to a multilateral scheme, which encourages neighbors to work together as much as they work with the United States. This approach will minimize the narcoterrorists' ability to use borders between countries as seams for illicit activities.

COUNTERNARCOTICS—OVERALL IMPORTANCE AND EFFORT

Question. Each year the Department of Defense spends several hundred million dollars for counternarcotics programs. These programs range from outreach programs to teach children the dangers of drugs, to assistance to foreign governments to interdict the flow of drugs through their territory. Despite the expenditure of these funds and the several billion dollars that the Federal Government spends for this purpose each year, the flow of drugs into the United States and the price of drugs on the street have not been significantly reduced, and countries such as Colombia and Peru face tremendous internal security challenges. This has led many to question the effectiveness and focus of our counternarcotics programs.

How should we measure the success of each of the Department's counternarcotics programs?

Answer. Success should be measured by performance and results of mutually supportive eradication, interdiction, and demand reduction operations and programs.

Question. Do you believe that the current programs that the Department is pursuing are the most effective for the region or should we focus the Department's efforts elsewhere?

Answer. Department of Defense programs are designed to enhance partner nations existing capabilities and create new capabilities to combat narcotrafficking within the region. Colombia is the center of gravity and the largest cultivator, processor and exporter of narcotics in the region. Increasingly, terrorist organizations fund their activities through drug trafficking. This trend is particularly troubling in Colombia where there are clear connections between drug traffickers and Department of State designated Terrorist Organizations (FARC, ELN, AUC). Supporting the Government of Colombia's efforts to defeat illicit narcotrafficking also directly supports the global war on terror. There are concerns that coca cultivation in Peru may also fund terrorist organizations, and coca cultivation remains problematic in Bolivia. Success in Colombia is of marginal value if illicit narcotrafficking migrates to other countries within the region. Consequently, it is important to build upon our past efforts and ensure an approach that addresses the regional situation.

Question. Compared to other missions that you would be responsible for as Commander, U.S. Southern Command, if confirmed, where would you rank counternarcotics in terms of its contribution to our national security and the ability of the Department of Defense to make a meaningful contribution?

Answer. Narcoterrorism is one of the fundamental contributors to the problems within the region. Democratic instability, corruption, and radical populism present significant threats to security throughout the region, and narcotrafficking directly contributes to all of these threats. There is also a problem of fundraising for international terrorist organizations. Southern Command's detection and monitoring role helps keep illicit drugs from reaching U.S. markets and attacks a primary funding source for international terrorists. Counternarcotics operations, therefore, contribute significantly to U.S. national security.

FORWARD OPERATING LOCATIONS

Question. One of the elements of the regional counternarcotics strategy is the United States Southern Command's establishment of forward operating locations (FOLs) in the source and transit zone. There is some concern that the Department has not deployed sufficient aircraft and other resources to these FOLs to justify sustainment costs and continued improvements. There is also concern that after U.S. investment of several million dollars on these facilities, the host nations will restrict our use of these facilities.

What is the role that these FOLs play in the Department's counter-drug efforts?

Answer. Forward Operating Locations (FOLs) compensated for the loss of coverage that was previously provided by operations conducted from Howard Air Force Base (AFB), Panama. The previous term, FOLs, was subsequently changed to Cooperative Security Location (CSL) to better reflect U.S. Southern Command's relationship with partner nations in the establishment and operation of these sites.

Question. Does current use justify the costs of sustaining these locations?

Answer. Yes, the current use justifies the costs of sustaining these CSLs. CSLs play a significant role in stemming the flow of illicit narcotics to the U.S. CSLs are essential to the D&M missions, which result in significant endgame operations.

Question. What assurance do we have from host nations that these locations will continue to be available to us, and under what conditions?

Answer. The agreement of cooperation with Ecuador is valid through 2009; the U.S. government's agreements with the Netherlands and El Salvador are valid through 2010. Current relations between the U.S. and all of these nations are favorable. Southern Command fully expects the agreements to be renewed before the current agreements expire. The agreements of cooperation for the use of the CSLs were specifically written to foster cooperative efforts to counter illicit drug trafficking.

ANDEAN REGION

Question. Internal political dynamics and lack of effective border control have resulted in the potential for a significant increase in drug production and trafficking in Bolivia, Peru, and Ecuador.

What do you think the U.S. military can or should do to prevent such developments?

Answer. Our security cooperation objectives support our overall policy objectives in a holistic approach. Southern Command needs to ensure a regional approach that directly contributes to Partner Nation cooperation and capability to defeat narco-terrorism. Programs in Colombia have proven effective; however, limited resources hamper our ability to approach the problem regionally.

A very small U.S. military training unit in Bolivia has demonstrated significant improvement in their forces and the successful development of a national anti-terrorism force, while expanding Southern Command's opportunities to promote human rights training and awareness. Both Peru and Ecuador have porous borders along southern Colombia, the major cultivation area of coca. Training should focus on professionalization of their respective military forces, strengthening border security, information/intelligence gathering as well as analytical capabilities, and integration of forces from different services.

All of these training efforts would be infused with respect for human rights to ensure compliance with U.S. statutes.

COLOMBIA: HUMAN RIGHTS

Question. When the U.S. began providing increased support through Plan Colombia for Colombia's efforts to significantly reduce or eliminate narcoterrorists operating in their country, much concern was expressed about human rights abuses that the Colombian military forces had committed.

What is your assessment of the record of the Colombian military with regard to respect for human rights over the past 3 years?

Answer. The Colombian military is the second most respected institution in Colombia today—first is the Catholic Church. The overall record of the Colombian military on human rights is positive. The Colombian government and military leadership have established a comprehensive human rights and international humanitarian law program. Every officer and soldier receives mandatory human rights training. Every military unit down to the battalion level has a human rights office responsible for providing human rights training, advising the unit commander on human rights issues, and tracking any credible allegations of human rights abuses against a member of the unit. Every member of every unit the U.S. military trains is vetted for human rights violations.

The Colombian military program includes partnerships with civil society groups, universities, and international organizations to collaborate on strengthening their human rights programs. In the past 3 years, human rights groups have accused these forces of committing less than 5 percent of gross human rights violations in country, a percentage far less than those of the 1980s and early 1990s. Another indicator of success is the fact that approximately 75 percent of the FARC, ELN, and AUC who demobilized—about 3,000 people—surrendered to military units, which they would not do if they thought that their human rights would be violated.

Question. What progress has been made in reducing the links between Colombian military units and commanders, and paramilitary organizations that have had a record of human rights abuses?

Answer. The Colombian military understands that illegal armed groups (IAGs), including the AUC forces, are an impediment to security and, ultimately, to peace in the country. While there is room for improvement in severing the Colombian military's links to the AUC, progress has been made in the areas of prosecution and censure of military officers, noncommissioned officers, and enlisted personnel with such ties. The Colombian government and the military have also instituted a variety of policies designed to fight collusion between government security forces and illegal armed groups. Prior to the peace process currently underway, the Colombian military actively pursued and engaged illegal armed groups, increasing the numbers of AUC killed in action or arrested. In part, it was this pressure that helped bring the AUC to the negotiating table.

Question. What more remains to be done and how would you approach the issue of respect for human rights in the Colombian military?

Answer. The Colombian military has made significant advances on human rights and has conducted its operations against terrorist violence in accordance with human rights and international humanitarian law principles. Without security, the full exercise of human rights cannot be guaranteed. Colleagues in the human rights community are concerned that the balance in Colombia will tilt too far toward the guarantee of security at the expense of political and civil liberties. I understand this concern.

If confirmed, I will continue to help the Colombian military strengthen its judicial system and encourage prosecution of military members credibly accused of committing crimes or human rights violations. I will support further strengthening of human rights training programs, while at the same time encouraging the Colombian military to play a greater role in regional military human rights initiatives. Additionally, I will ensure that Southern Command continues its human rights policies throughout the region as a key component of Theater Security Cooperation.

COLOMBIA: FORCE PROTECTION

Question. Plan Colombia and related efforts will involve the continued deployment of a number of U.S. service members and civilians to the region.

What measures are being taken to ensure the protection of U.S. military and civilian personnel in the country in the case that they become targets of the insurgents, or narcotraffickers?

Answer. U.S. military personnel are only permitted to operate from secure locations. The U.S. Military Group (USMILGP) Commander, who also serves as the U.S. Defense Representative, is charged with certifying the security of these locations prior to any deployment of U.S. personnel. In addition to the protection afforded by the Colombian Military, U.S. forces receive threat updates and antiterrorism training prior to deployment. The USMILGP Commander possesses the means to contact deployed units at any time to provide early warning or additional Anti-Terrorism/Force Protection guidance as necessary, and can initiate coordinated actions with the Colombian Military to safeguard U.S. Department of Defense personnel (evacuation, etc.). U.S. Department of Defense personnel usually do not leave the safety of the Colombian Military base. Standard rules of engagement are in effect for all U.S. DOD forces operating in Colombia, including the right of self-defense.

Question. What legal protections, if any, are provided for civilian contractors captured or accused of criminal behavior in Colombia?

Answer. The U.S. Government does not have any agreement with the Government of Colombia that provides legal status protection for civilian contractors from Colombian laws. If civilian contractors violate Colombian laws, they are subject to prosecution by Colombian authorities. I would note that U.S. military personnel deployed in Colombia are routinely afforded legal status protection with the approval of the Colombian Armed Forces Commander under the Military Missions Agreement of 1974.

As for the legal protections of civilian contractors captured by IAGs in Colombia, they are not prisoners of war under the Geneva Conventions since the IAGs are narcoterrorist organizations and not party to the Geneva Conventions. The three U.S. civilian contractors currently held by the FARC are considered hostages illegally held by these narcoterrorists since February 2003.

COLOMBIA

Question. Recent reporting from Colombia indicates improved military performance by the Colombian Armed Forces in pursuing the narcoterrorist groups, and an increased willingness and commitment by the Government of Colombia to decisively address the terrorist insurgency in their country.

Please outline your views regarding the current situation in Colombia focusing upon:

(1) the current military and political situation in Colombia;

Answer. The Colombian military is becoming a professional and competent force, subordinate to civilian leadership, respectful of human rights and mindful of the rule of law. Under their national security strategy, the military has undertaken an ambitious new combat offensive to retake their national territory. The determination and progress demonstrated by the military to bring security, stability and the rule of law to the Nation make the likelihood of a negotiated end-state greater than anytime in recent history.

President Uribe has provided much of the momentum for this window of opportunity. It is important to note that his efforts are resoundingly backed by the Colombian people, as demonstrated not only by his public approval ratings, but those of the Armed Forces. He has ensured much-needed political support for the Colombian military's efforts against illegal armed groups. His determination to make substantial progress in Colombia's war against narcoterrorism is admirable and is just what Colombia needs. He is taking the fight to the FARC, is making a concerted effort to achieve peace and demobilize the AUC, and is engaged in preliminary peace talks with the ELN. Since his inauguration in 2002, President Uribe has significantly enhanced security force capabilities, restored state presence to every municipality, and mobilized the citizenry to support state efforts.

Question. (2) the ability of the Colombian military to regain control of its territory; and

Answer. The Government of Colombia has demonstrated an unprecedented ability to extend presence and rule of law throughout its sovereign territory. Recent military operations are being executed on a scale and duration far beyond previous efforts. This is largely attributable to the political will of the current administration and the level of training and professionalism of the Colombian military.

Question. (3) ongoing DOD programs, including the request to increase the U.S. troop cap to 800 military personnel and 600 contractor personnel, to assist the Colombian government in its counternarcotics/counterterrorism efforts specifically, and its military training and military professionalism in general.

Answer. As stated earlier, Colombia's security forces are undertaking an ambitious new combat offensive to retake their national territory. U.S. military and developmental assistance, diplomatic support and training are helping the Government of Colombia achieve this goal.

Having the authority to increase personnel levels to 800 military and 600 civilian contractors, consistent with our own operations and personnel tempo and the success of the Colombian military, will add flexibility which enables the U.S. to methodically provide trainers, technical assistance and maximize every opportunity.

VENEZUELA

Question. With the upcoming referendum on President Chavez' leadership, politics in Venezuela remains volatile.

Please describe the U.S.-Venezuelan military relationship.

Answer. Southern Command maintains a current policy of fostering institutional ties with the Venezuelan military. This policy includes training and seminar activities in Venezuela, attendance at Professional Military Education (PME) training and conferences, invitations to regional exercises in which it has traditionally participated, and Traditional Commander Activities (TCA) by Venezuelan military members and government officials to the U.S.

The military relationship between the United States military and the Venezuelan military is at a historical low point. Despite Southern Command's efforts to maintain institutional ties with the Venezuelan military, pressure from President Chavez and his senior leadership has reduced our security cooperation activities with Venezuela to a minimum. Venezuela has recently cancelled planned participation in nu-

merous Southern Command sponsored exercises. The Venezuelan military sends very few PME students to the U.S., has reduced the number of guest instructors it has in the U.S., and declined to participate in TCA Venezuela since January 2004. The U.S. Military Group moved from its offices on Venezuelan military bases to the U.S. embassy due to a request from the Venezuelan Minister of Defense. This negative trend in our relationship will probably not change in the near future.

Question. What, if any, aspect of this relationship do you believe should be altered?

Answer. I believe it is in the interest of the United States to maintain institutional ties with the Venezuelan military. We cannot influence them if we detach from them, but our engagement must be consistent with U.S. policy.

INTELLIGENCE REQUIREMENTS

Question. U.S. Southern Command has often reported reduced readiness levels of its intelligence capabilities because of the lack of airborne assets to adequately execute the counter-narcotics detection and monitoring mission. Part of the reason is the competition for assets with other theaters of operations.

In your view, does U.S. Southern Command have adequate intelligence, surveillance, and reconnaissance assets available to it to accomplish its missions?

Answer. While most commanders would prefer to have unlimited resources, the Department of Defense has mechanisms in place to continuously evaluate threats to U.S. security and assign assets consistent with Global Force Management procedures.

Southern Command has stated their requirements through the Integrated Priority List, which requires an integrated mixture of airborne, maritime and ground systems capable of detecting, monitoring and collecting intelligence. I have every confidence Southern Command will be awarded additional assets consistent with global threats to U.S. national security where the threats warrant these assets. Meanwhile, Southern Command will continue to optimize the assets assigned and work with both the Department of Defense and Congress to ensure our requirements are known.

WHINSEC

Question. What is the relationship between U.S. Southern Command and the Western Hemisphere Institute for Security Cooperation (WHINSEC)?

Answer. Although U.S. Southern Command is clearly a stakeholder, there is no formal command relationship between the U.S. Southern Command and WHINSEC. WHINSEC is directly subordinate to the Commander, U.S. Army Combined Arms Center (CAC). CAC Commander has oversight responsibility for WHINSEC and will ensure WHINSEC curriculum is in accordance with the intent of Congress, Office of the Secretary of Defense, the Secretary of the Army and U.S. Southern Command's Theater Security Cooperation (TSC) Plan. The Commander, U.S. Army Infantry Center and Fort Benning provide base operations support to WHINSEC as a U.S. Army Training and Doctrine Command (TRADOC) school. WHINSEC provides education and training to students from countries in the U.S. Southern Command's AOR.

Question. What more, if anything, does WHINSEC need to do to emphasize human rights in its curriculum?

Answer. WHINSEC is extremely proactive in the issue of human rights training. They have modified their curriculum to include historical case studies of human rights violations where students discuss what went wrong and ways violations could have been prevented. The cases reviewed include: My Lai, Srebrenitza, El Mozote (El Salvador), and the Jesuit Murders (El Salvador). Additionally, WHINSEC conducts a Human Rights instructor course, which this year has the highest-ever number of graduates.

Question. In your view, how can WHINSEC improve its outreach efforts to individuals or groups interested in their activities?

Answer. Since WHINSEC does not work for U.S. Southern Command, this question may best be reserved for the Department of the Army. We continue to rely upon WHINSEC as an educational institution to provide quality education to foreign military personnel from countries in our AOR.

DETAINEE AND INTERROGATION OPERATIONS

Question. U.S. Southern Command has been given significant responsibility for managing detainee and interrogation operations in the global war on terrorism, and is responsible for these operations at Guantanamo Bay, Cuba.

What is U.S. Southern Command's overall role in managing detainee and interrogation operations, not only at Guantanamo Bay, but in the larger global war on terrorism?

Answer. U.S. Southern Command provides command, control and coordination that enables Joint Task Force (JTF)-Guantanamo to conduct detention and interrogation operations. These operations are to collect intelligence in support of the global war on terrorism. They also support law enforcement in conducting war crimes investigations. U.S. Southern Command through JTF-Guantanamo also supports the conduct of military tribunals. Additionally, JTF-Guantanamo conducts detainee screening operations, as requested, through the employment of Mobile Detainee Review and Screening Teams.

HAITI

Question. Haiti continues to experience turmoil and instability.

What is the current military, economic, and political situation in Haiti, including the role of the U.N. multinational peacekeeping force and the U.S. military?

Answer. Unquestionably, the current situation in Haiti is more stable than it was in February of this year. The U.S. Southern Command-led Multinational Interim Force-Haiti did a tremendous job stabilizing the tenuous situation and providing a smooth transition to the United Nations Stabilization Mission (MINUSTAH) under United Nations Security Council Resolution 1542 which authorizes the United Nations, acting under Chapter VII of the Charter (Peace Enforcement), to ensure a secure and stable environment for the constitutional and political process in Haiti to take place. The partner nations in Southern Command's AOR should be applauded for actively supporting the MINUSTAH. Argentina, Brazil, Chile, Peru, and Uruguay have forces on the ground in MINUSTAH, with Brazil as the lead country. Several other countries plan to deploy forces in the near future.

Haiti does not currently have a military, and security functions are accomplished by the Haitian National Police (HNP). The U.S. government is awaiting a decision from the Haitian Government to transform the HNP into a Haitian Defense Force. In coordination with U.S. Government initiatives, and in synchronization with United Nations activities, the U.S. military maintains a role in the continued transition in Haiti through security cooperation activities.

The current political situation in Haiti is relatively stable, with MINUSTAH lending credence to the political process, which is being conducted in accordance with the Constitution of the Republic of Haiti. While Haiti is the poorest country in the Western Hemisphere, the country's economic situation is improving. However, a viable economy from foreign investment is dependent upon the continued stability of the political situation.

Question. What trends are apparent with regard to the potential for any mass migration of Haitians to the U.S. mainland?

Answer. There are no recent indications of a potential mass migration of Haitians to the U.S.

Question. What role, if any, does Haiti play in the transshipment of drugs en route to the United States, and what capabilities does the Government of Haiti have to disrupt these illegal activities?

Answer. Under the failing Aristide government, Haiti was a key transshipment point for drugs entering the U.S. due to its proximity, endemic political corruption, and extreme poverty. Current and future security operations will need to concentrate on this vulnerability in order for Haiti to cease being a haven for international drug traffickers.

The Government of Haiti has a very limited capability to deal with sophisticated drug trafficking organizations. Prime Minister Latortue has publicly stated the importance of disrupting the illicit drug trade in Haiti. Latortue has cooperated with U.S. efforts to arrest Haitian drug traffickers and attempted to increase counterdrug cooperation between Haiti and the Dominican Republic.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, U.S. Southern Command?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

WHINSEC

1. Senator CHAMBLISS. General Craddock, you responded to several questions related to the Western Hemisphere Institute for Security Cooperation (WHINSEC) in your responses to the advance policy questions. While it is clear WHINSEC is not under the authority of U.S. Southern Command (SOUTHCOM), SOUTHCOM is clearly a large stakeholder in WHINSEC's activities and benefits greatly from the educational programs WHINSEC offers. I believe there might be greater appreciation of WHINSEC's contribution to regional security if there were some readily available "success stories" resulting from WHINSEC's training of Latin American military personnel. Do you agree with this assessment, and, if confirmed, what steps will you take to make available this type of information to the extent you are aware of it?

General CRADDOCK. I agree that success stories would help the general public appreciate WHINSEC's contribution to regional security. I believe it is also important to note that WHINSEC is one of many institutions that contribute to regional security. Success stories are already reported within the Federal Government. SOUTHCOM's International Military Education and Training 5-year training plans include success stories that are reported to the Departments of Defense and State. Additionally, success stories are included in annual report to Congress on WHINSEC's previous year's activities.

The Institute's Board of Visitors has expressed interest in making more success stories available to the general public. The next WHINSEC Board of Visitors meeting scheduled for November 2004 will address this subject and provide recommendations for the Institute to implement. The Commander of SOUTHCOM is a Member of the Board of Visitors. As a Member of the Board, I will ensure that this issue is raised and properly addressed.

2. Senator CHAMBLISS. General Craddock, reforming the Intelligence Community is a very high priority for Congress and it has been highlighted recently by the Senate Select Committee on Intelligence and the 9/11 Commission. As a principal user of intelligence, do you have any concerns or recommendations about intelligence reform? Specifically, are you concerned that there is a possibility that a stronger civilian Director of National Intelligence might negatively impact the timeliness and quality of intelligence support that your respective command is now getting from the Department of Defense (DOD)?

General CRADDOCK. At this stage in the process, not knowing with certainty what the Director of National Intelligence authorities might be, it is difficult to say how that new position may ultimately impact intelligence support. In broad terms however, every commander requires timely and accurate intelligence to support decisionmaking. Commanders focus on the Intelligence Community results, not necessarily on its construct. Reorganization requires careful and thoughtful consideration. However, regardless of the final Intelligence Community structure, combatant commanders must have the ability to influence national intelligence priorities and intelligence asset allocation to satisfy the full spectrum of military planning and operations, from combat to peacekeeping to theater security cooperation activities.

3. Senator CHAMBLISS. General Craddock, the Intelligence Community is made of 15 agencies, 8 of which are in the DOD. Do you see advantages of putting these eight DOD agencies under a new four-star Unified Commander for Intelligence who would then provide centralized intelligence support to your command in a similar fashion that transportation support and special operations support are provided by U.S. Transportation Command and U.S. Special Operations Command respectively?

General CRADDOCK. Establishing a Unified Command comprised of the DOD intelligence Combat Support Agencies might assist in this process and is an idea that merits assessment and consideration. It would be important, I believe, to study such a recommendation thoroughly to ensure the potential benefits are well understood, and to consider such a possible approach along with the recommendations of the 9/11 Commission.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

COLOMBIAN DRUG TRADE

4. Senator LEVIN. General Craddock, Colombia has made great progress in their military campaign against the narcoterrorist Revolutionary Armed Forces of Colombia (FARC), National Liberation Army, and, to a somewhat lesser extent, the paramilitaries. What is your impression of the military campaign in Colombia? Do you believe we have reached some sort of "turning point?"

General CRADDOCK. Plan Patriota is a Colombian government plan focused on bringing the FARC and other illegal armed groups to the negotiating table by conducting a full range of operations against them. To date, supporting military and police efforts nationwide have prevented the narcoterrorist groups from regenerating their strength elsewhere. The Government of Colombia has reestablished government presence in every municipality in the country. Overall, there has been a 30-percent decrease in attacks against the economic infrastructure; a 16-percent decrease in homicides; a 30-percent decrease in robberies; a 45-percent decrease in kidnappings and a general decrease in terrorist activities.

The ultimate objective is to render these illegal armed groups ineffective by 2006. However, Colombia is at a decisive point in their military campaign. The momentum built by President Uribe and the Colombian Armed Forces in Plan Patriota is unfortunately, reversible. Consequently, we must maintain our steady, patient support in order to reinforce the Government of Colombia's successes and to guarantee a tangible return on the significant investment our country has made to our democratic neighbor.

5. Senator LEVIN. General Craddock, when would you expect measurable progress to manifest itself in higher street prices for cocaine?

General CRADDOCK. According to the Interagency Assessment of Cocaine Movement coordinated by the Office of National Drug Control Policy (ONDCP), there is not a precise time frame or estimate as to when interdiction efforts might result in higher street prices for cocaine. Despite the estimated overall reduction in cocaine flow, ONDCP has not seen expected indications of tension between supply and demand.

6. Senator LEVIN. General Craddock, do you believe that President Uribe's leadership is essential to Colombian military and political success against the narcoterrorists?

General CRADDOCK. President Uribe's leadership has been an essential component to Colombian military and political success against the narcoterrorists. The Government of Colombia, under President Uribe, has shown the political will to strengthen Colombia's democracy, respect for human rights and the rule of law, and to reduce the threat of narcoterrorism. His approval rating has remained around 80 percent. Currently, Colombia's Congress is reviewing a proposal to allow him to run for reelection. President Uribe has mobilized the Colombian populace and provided guidance and resources for the Colombian Armed Forces to prevail in the fight with the illegal armed groups.

Continued strong leadership from Uribe's successor remains essential to uphold the institutions and initiatives that President Uribe has put into place.

COLOMBIAN PARAMILITARIES

7. Senator LEVIN. General Craddock, once your nomination is approved and you are sworn in, will you speak to the Colombians about making, or stepping up, efforts to apprehend the top paramilitary leadership, especially those who are refusing to participate in negotiations with the Colombian government?

General CRADDOCK. I intend to travel to Colombia and meet with high-ranking government officials soon after assuming command of U.S. Southern Command. During these meetings, I will emphasize the importance of building upon current

successes and reducing the threat of all illegal armed groups. I will encourage aggressive action to apprehend the top paramilitary leadership.

ANDEAN REGION

8. Senator LEVIN. General Craddock, we continue to receive reports that Colombian narcotraffickers are operating in the territories of countries bordering Colombia—Panama, Peru, Brazil, Ecuador, and Venezuela. In the latter case, the Chavez government may be assisting the narcotraffickers. Meanwhile, in Peru and Bolivia, coca farmers are becoming more politically assertive, raising the possibility that drug cultivation will increase in those countries. What, in your opinion, should the United States do to ensure that our counternarcotics strategy in Central America encompasses the entire Andean region, addressing the potential for spillover from Colombia, as well as increased domestically-based production in other Andean countries?

General CRADDOCK. U.S. Southern Command is vigorously pursuing a strategy to promote stability for the entire Andean Region in the forthcoming "post-Plan Colombia" era. It is vitally important that we maximize our current regional approach and mature key regional initiatives that contribute to counternarcoterrorism efforts of partner nations in the region. Some examples of initiatives undertaken by Colombia's neighbors in the Andean Ridge to this effect include:

1. Brazil. Implementation of their Aerial Shoot down program, which should go into effect around October 14, 2004. Brazil has initiated discussions with its Andean Ridge neighbors to discuss the spillover problem; has conducted well-publicized joint and combined exercises, Timbo I and II, along its borders with Colombia and Peru and has established Federal Police offices along its borders with those nations to coordinate cross-border police activities.

2. Peru. Peru has a liaison officer in Leticia, Colombia and has a liaison officer in Iquitos, Peru to facilitate cross-border cooperation and security; Peruvian Coast Guard forces are communicating and coordinating with Colombian Army forces across the Putumayo River, along the Peru-Colombia border; and Peru and Brazil are collaborating on air defense cooperation exercises.

3. Ecuador. Ecuador significantly increased its troop strength by one-third along the northern border with Colombia and has plans to continue increasing this presence with an additional Special Forces Group.

U.S. Southern Command will continue to assist in facilitating and developing a regional approach to security cooperation in the Andean Ridge. It is my intention, to explore new and additional measures to work with and fortify Southern Command's partner nations capabilities in the fight against narcoterrorism in order to protect, prevent, and prevail against transnational threats.

HAITI

9. Senator LEVIN. General Craddock, a few days ago the Washington Post editorial page asserted, "Haiti's recovery [nevertheless] remains precariously weak—largely because of an underpowered international effort. The small number of peacekeepers in the country—2,000, compared with the more than 6,000 that a U.N. plan calls for—means that large parts of the countryside remain in the hands of "armed gangs." Haitian Prime Minister Latortue attended the World Bank Donors Conference in Washington this week and called for international assistance in training the Haitian police forces. I note that the United States already provided such training for over 5 years in the 1990s. What do you believe the United States should do to improve the security situation in Haiti? Should the United States get involved training police, and if so, how can we ensure that this time it is an enduring success?

General CRADDOCK. Sustained international engagement with the Haitian Government and its people is key to future success in Haiti and is consistent with our own national interests.

In 1994, training of the Haitian National Police was a U.N./U.S. bilateral effort. The Department of Defense made facilities available to the Department of Justice to conduct training, but conducted no training itself. An updated version of the training used then is being used by the Haitian National Police Academy. It is not essential that the U.S. train Haiti's police, only that it be done in a manner that sustains professionalism. Southern Command does not presently have the legal authority to conduct training for the police.

Since 2000, public law has limited Southern Command's engagement with Haiti to only the Haitian Coast Guard. During the most recent Haitian crisis, the Haitian

Coast Guard was the only Haitian governmental organization able to function. The Haitian Coast Guard, working together with the U.S. Coast Guard, stemmed the flow of migrants from Haiti, so that immediate repatriation could be accomplished without having to establish migrant camps, or without seeing large flotillas of migrants arriving on U.S. shores during the crisis.

I believe that the reliability and professionalism of the Haitian Coast Guard is due in great part to their continued, close relationship with the U.S. Coast Guard. One of the key areas that will determine success in Haiti is the reestablishment of the rule of law, which requires a properly trained and equipped security force. It is vital that the U.S. assists with this effort and remains engaged in the effort for the long term.

WHINSEC

10. Senator LEVIN. General Craddock, despite changes in the curriculum, and State Department and Department of Defense vetting of its foreign students, the Western Hemisphere Institute for Security Cooperation (WHINSEC) still has opponents who assert that the school trains human rights violators. One proposal is to bring experts in human rights and civil-military relations to the Institute to assess their work and to help bring outside lecturers from the non-governmental communities and civilian academic communities to WHINSEC. What, if anything, do you believe that the WHINSEC leadership needs to do to further improve its curriculum, and what should be done to better educate critics of the school, who appear unable to end public and legislative criticism of their Institute?

General CRADDOCK. When WHINSEC was established in 2001, its leadership took measures to establish a curriculum that supports the infusion of not only military skills, but respects civilian authority and human rights. WHINSEC implements a culture of continuous review, improvement, and vigilance. The Institute's curriculum is prepared, presented and evaluated to demanding Army Training and Doctrine Command standards. Its Democracy and Human Rights program is second to none and even Amnesty International—USA noted in one of its recommendations contained in a 2002 report that the “core human rights program . . . could serve as a model. . . .”

WHINSEC continually provides opportunities to the general public to learn more about the Institute. For example, WHINSEC conducts an annual Democracy and Human Rights week and consistently invites up to 50 Non-Governmental Organizations (NGOs), including those focused on human rights. Typically, only five or six NGOs accept the invitation, attend, and participate. Of note, The International Committee of the Red Cross is a participant. All NGOs that do participate have encouraged others to attend.

Additionally, during the annual Board of Visitors (BOV) meetings, the general public to include NGOs and members of the civilian academic communities are provided opportunities to visit, participate, and learn more about the Institute. During the aforementioned meetings, members of the general public are also provided a forum to express their concerns to the BOV.

11. Senator LEVIN. General Craddock, if confirmed, will you work with the Army and the State Department to ensure that they increase their outreach efforts to outside experts and public critics?

General CRADDOCK. I will work with the Army and the State Department to explore new opportunities and initiatives to expand current outreach efforts.

[The nomination reference of LTG Bantz J. Craddock, USA, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 16, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be General

LTG Bantz J. Craddock, 7782.

[The biographical sketch of LTG Bantz J. Craddock, USA, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF SERVICE CAREER OF LTG BANTZ J. CRADDOCK, USA,

Source of commissioned service: ROTC.*Military schools attended:*

Armor Officer Basic and Advanced Courses.
United States Army Command and General Staff College.
United States Army War College.

Educational degrees:

West Virginia University—BA—Political Science.
United States Army Command and General Staff College—MMAS—Military Art and Science.

Foreign Language(s): None recorded.*Promotions:*

Promotions	Dates of appointment
2LT	15 Aug 71
1LT	20 Apr 73
CPT	20 Aug 75
MAJ	1 Apr 83
LTC	1 May 89
COL	1 Sep 93
BG	1 Aug 98
MG	1 Dec 01
LTG	21 Aug 02

Major duty assignments:

From	To	Assignment
Jan 72	Jun 74	Platoon Leader, C Company, later Assistant S-3 (Operations), 1st Battalion, 36th Infantry, 3d Armored Division, United States Army Europe and Seventh Army, Germany.
Jun 74	Dec 74	Anti-Tank Platoon Leader, Combat Support Company, 1st Battalion, 36th Infantry, 3d Armored Division, United States Army Europe and Seventh Army, Germany.
Jan 75	Aug 78	Service Test Project Officer, Armor Test Division, United States Army Armor and Engineer Board, Fort Knox, Kentucky
Aug 78 ...	Mar 79	Student, Armor Officer Advanced Course, Fort Knox, Kentucky
Apr 79	Oct 81	S-3 Air (Operations), later Commander, C Company, 1st Battalion, 32d Armor, 3d Armored Division, United States Army Europe and Seventh Army, Germany
Nov 81 ...	May 84	Systems Analyst, later Executive Officer, Office of the Program Manager, M-1 Abrams Tank Systems, Warren, Michigan
Jun 84	Jun 85	Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas
Jul 85	Jun 87	Executive Officer, 4th Battalion, 69th Armor, 8th Infantry Division (Mechanized), United States Army Europe and Seventh Army, Germany
Jul 87	Apr 89	Deputy G-3 (Operations), 8th Infantry Division (Mechanized), United States Army Europe and Seventh Army, Germany
May 89 ...	Jul 91	Commander, 4th Battalion, 64th Armor, 24th Infantry Division (Mechanized), Fort Stewart, Georgia and Operations Desert Shield/Storm, Saudi Arabia
Jul 91	Jul 92	G-3 (Operations), 24th Infantry Division (Mechanized), Fort Stewart, Georgia
Jul 92	Jun 93	Student, United States Army War College, Carlisle Barracks, Pennsylvania
Jul 93	Jun 95	Commander, 194th Separate Armored Brigade, Fort Knox, Kentucky
Jul 95	Aug 96	Assistant Chief of Staff, G-3 (Operations), III Corps, Fort Hood, Texas
Aug 96 ...	Aug 98	Assistant Deputy Director for Strategy and Policy, J-5, The Joint Staff, Washington, DC
Aug 98 ...	Aug 99	Assistant Division Commander (Maneuver), 1st Infantry Division, United States Army Europe and Seventh Army, Germany and Commander, Multinational Brigade (Southeast), Kosovo
Aug 99 ...	Sep 00	Commander, 7th Army Training Command, United States Army Europe and Seventh Army, Germany
Sep 00 ...	Aug 02	Commanding General, 1st Infantry Division, United States Army Europe and Seventh Army, Germany

Summary of joint assignments:

Assignment	Dates	Grade
Assistant Deputy Director for Strategy, J-5, The Joint Staff, Washington, DC	Aug 96–Aug 98	Colonel/Brigadier General
Senior Military Assistant to the Secretary of Defense, Office of the Secretary of Defense, Washington, DC.	Aug 02–Present ...	Lieutenant General

U.S. Decorations and badges:

Distinguished Service Medal
 Silver Star
 Defense Superior Service Medal (with Oak Leaf Cluster)
 Legion of Merit (with 2 Oak Leaf Clusters)
 Bronze Star Medal
 Meritorious Service Medal (with 3 Oak Leaf Clusters)
 Army Commendation Medal (with 2 Oak Leaf Clusters)
 Army Achievement Medal
 Joint Chiefs of Staff Identification Badge

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by LTG Bantz J. Craddock, USA, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Bantz J. Craddock.

2. **Position to which nominated:**

Commander, United States Southern Command.

3. **Date of nomination:**

16 June 2004.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

8 August 1949; Parkersburg, WV.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Linda Eaton Craddock.

7. Names and ages of children:

Zachary W. Craddock (29) and Amanda E. Craddock (27).

8. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

None.

9. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

None.

10. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Association of the United States Army—Member.

Society of the 1st Infantry Division—Member.

U.S. Army Armor Association—Member.

VFW—Member.

11. Honors and Awards: List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

Armor Association—Order of St. George.

Infantry Association—Order of St. Maurice.

Ordnance Association—Order of Samuel Sharpe, Honorary Kentucky Colonel.

Honorary Texan, Artiller Association—Order of St. Barbara.

12. Commitment to testify before Senate committees: Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. Personal views: Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

BANTZ J. CRADDOCK.

This 18th day of June, 2004.

[The nomination of LTG Bantz J. Craddock, USA, was reported to the Senate by Chairman Warner on July 22, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2004.]

[Prepared questions submitted to Peter C.W. Flory by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of these reforms. The focus on "jointness" outlined in the Defense Reorganization Act of 1986 has significantly enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. These reforms have fundamentally changed the way the Department of Defense works by strengthening civilian control of DOD, improving military advice given to the President and Secretary of Defense, and advancing the ability of the Department to carry out its fundamental mission—protecting America's security and furthering its vital interests.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. From my point of view, the most important aspects are strengthening civilian control, improving military advice, the clear responsibilities and authorities given the combatant commanders for mission accomplishment, and the increased attention to formulation of strategy and contingency planning.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am unaware of any need to modify Goldwater-Nichols at this time. If I am confirmed, I will raise any such requirements that I may identify within the Department. The Department would consult closely with Congress, especially this committee, on any changes that might be appropriate.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Defense for International Security Policy?

Answer. I understand that, if I am confirmed, my duties as Assistant Secretary of Defense for International Security Policy will be to serve as the principal assistant and advisor to the Under Secretary of Defense for Policy in formulating and implementing national security and defense policy in a wide range of areas, including: nuclear forces; technology security; missile defense; Europe and NATO; Russia, Ukraine, and Eurasia; arms control, nonproliferation, and counterproliferation.

Question. Assuming you are confirmed, what duties and functions do you expect that Secretary Rumsfeld would prescribe for you?

Answer. I would expect Secretary Rumsfeld to look to the Assistant Secretary of Defense for International Security Policy to fulfill all the duties assigned to that office under the authorities of the Secretary of Defense and the Under Secretary of Defense for Policy—in particular, assistance and advice on the formulation of national security and defense policy in the areas noted in the response to the previous question.

RELATIONSHIPS

Question. If confirmed, what will be your relationship with:

The Secretary of Defense

The Deputy Secretary of Defense

The Under Secretary of Defense for Acquisition, Technology, and Logistics

The Under Secretary of Defense for Policy

The Under Secretary of Defense for Intelligence

The Principal Deputy Under Secretary of Defense for Policy

The Assistant Secretary of Defense for International Security Affairs

The Assistant Secretary of Defense for Homeland Defense

The Chairman, Joint Chiefs of Staff and Director for Strategic Plans and Policy

(J-5)

Commander, United States European Command

Commander, United States Strategic Command
 Director, Missile Defense Agency
 Administrator, National Nuclear Security Administration

Answer. If confirmed, I will report to the Secretary of Defense and Deputy Secretary of Defense through the Under Secretary of Defense for Policy. I expect to maintain a close working relationship with the other Assistant Secretaries in the Office of the Under Secretary for Policy, the offices of the Under Secretaries for Acquisition, Technology and Logistics, Personnel and Readiness, Comptroller, and Intelligence, the Chairman, Vice Chairman, Director for Strategic Plans and Policy (J-5) of the Joint Chiefs of Staff, Commanders of the U.S. European Command and U.S. Strategic Command, other combatant commanders, and the Missile Defense Agency. I will also, if confirmed, work closely with the National Security Council Staff and with officials in the Departments of State, Justice, Homeland Security, the Intelligence Community, the National Nuclear Security Administration, and other agencies and departments.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of Defense for International Security Policy?

Answer. The United States and our allies face serious, growing, and unpredictable threats. We must maintain the ability to deter and, if necessary, defend against a wide range of threats, particularly ballistic missiles and weapons of mass destruction. Through arms control, export control groups, and non-traditional methods such as the Proliferation Security Initiative, we must seek to prevent and counter the spread of WMD and delivery systems. We must maximize our ability to deter the use of these weapons by development and deployment of improved strike and missile defense capabilities—what we call the “New Triad.” To address the possible use of these weapons, in addition to developing missile defense capabilities, we must seek to improve our other defensive capabilities, including enhanced chemical and biological defenses for our forces and enhanced consequence management training and preparedness.

As we work to transform our military forces to meet 21st century challenges, we also must work to transform our defense and security relationships with countries throughout the world. In Eurasia, we strive to promote stability and democratic development so that countries once part of the Soviet Union do not contribute to an “arc of instability” in the region. In Europe and NATO, we must continue the efforts this administration has begun to transform our alliances and structures, and the capabilities of the member states, so that NATO members can live up to their political commitments.

Assuming you are confirmed, what plans do you have for addressing these challenges?

Question. If confirmed, I will work to ensure we have a defense strategy and appropriate policies and plans to address the range of threats we face.

NATO

Question. What are the greatest opportunities and challenges that you foresee for NATO over the next 5 years?

Answer. One of the key challenges will be to complete the Alliance transition from stationary forces to more mobile, deployable, and sustainable forces. The NATO Response Force (NRF) has been designed as a catalyst for NATO transformation, as well as a highly capable military force to carry out NATO missions. We will continue to work with the new members and partners to assist them in developing forces that are better able to operate with NATO forces and to contribute niche capabilities, such as chemical and biological defense units, light infantry units, combat engineers, and special operations forces to the Alliance.

Another challenge is to develop a cooperative relationship with the European Union, as it develops its European Security and Defense Policy that preserves NATO as the primary instrument of transatlantic security and does not diminish the Alliance’s military effectiveness.

Question. Do you envision further enlargement of NATO within the next 5 years?

Answer. This latest round of enlargement will not be NATO’s last, and the door to membership remains open. There is no timetable for the next round of enlargement. It depends on each aspirant government’s achievement of the political, economic, military, and civil society reforms they laid out in their Membership Action Plans. NATO leaders at the Istanbul Summit reaffirmed NATO’s open door, and recognized the reform efforts of the three NATO aspirants (Albania, Croatia, and Macedonia). Each NATO aspirant will be judged on its individual merits.

Question. What criteria should NATO use in determining whether the Alliance would benefit from further expansion?

Answer. Article 10 of the NATO Treaty allows for addition of European states that are "in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty." There are no defined criteria for NATO membership, but there are two fundamental questions we should want answered prior to making decisions about a future round of NATO enlargement:

Will this candidate strengthen the Alliance's ability to protect and promote its security, values, and interests?

Can we be confident of the candidate's enduring commitment to democracy and Allied values and interests?

Question. What criteria should NATO use to determine which nations, if any, should be invited to join NATO?

Answer. Although there are no set criteria for judging a country's readiness to join NATO, from a DOD perspective we expect the invitees to:

- Share the risks and responsibilities of collective defense.
- Be able to participate in NATO missions (e.g., interoperability).
- Provide military value to the Alliance (commensurate with size); this value may be through a specialized capability.
- Spend at least 2 percent of gross domestic product (GDP) on defense.
- Have laws, regulations, and procedures to protect NATO classified information.
- Make progress on defense reform.

NATO/RUSSIA

Question. How do you assess the NATO-Russia relationship, as formalized through the NATO-Russia Council?

Answer. The NATO-Russia Council (NRC) has led to increased cooperation between Russia and the Allies, especially military-to-military cooperation. Russia has increased its participation in Partnership for Peace (PfP) activities, assigned officers to the Partnership Coordination Cell, and agreed with NATO to establish a Russian military liaison mission at Supreme Headquarters Allied Powers Europe (SHAPE). These steps will help enable Russian forces eventually to work with NATO in the field to address the threats of the 21st century.

Other examples of successful NRC cooperation include civil emergency preparedness exercises, terrorist threat assessments, a Joint Missile Defense Command Post Exercise in Colorado Springs in March 2004, and a cooperative airspace initiative.

DOD'S COOPERATIVE THREAT REDUCTION (CTR) PROGRAM

Question. The CTR program has several key objectives including: (1) reducing strategic nuclear weapons; (2) improving the security and accounting of nuclear weapons and fissile material; (3) eliminating and preventing biological and chemical weapons and capabilities; and (4) encouraging military reductions and reforms to reduce proliferation threats.

In your view, how has the CTR program benefited U.S. national security?

Answer. CTR has reduced the amount of weapons of mass destruction and related infrastructure that might be poorly secured or subject to illicit transfer. Also, DOD has refined CTR to better support the global war on terrorism, by an increased focus on chemical and biological weapons, and assisting with WMD border security (in the non-Russia former Soviet Union (FSU)) in coordination with other departments of the United States Government (USG).

Question. What is your view of the CTR program's chemical and biological weapons elimination efforts?

Answer. I support the CTR program's efforts to eliminate chemical weapons and prevent the proliferation of dangerous pathogens and biological warfare (BW) expertise.

Question. Do you think the CTR program is well coordinated among the U.S. government agencies that engage in threat reduction efforts in Russia, e.g., the State Department and the Department of Energy?

Answer. CTR program activities and plans are well coordinated among U.S. Government agencies. Relationships among interagency offices handling CTR and other non-proliferation matters are mature; the system for coordinating issues and elevating disagreements through the NSC-chaired Proliferation Strategy Policy Coordinating Committee functions effectively.

Question. If confirmed, would you anticipate being assigned responsibility for policy development, coordination, and oversight of the CTR program?

Answer. The current Office of the Assistant Secretary for International Security Policy and all predecessor offices have had responsibility for CTR policy development, coordination, and oversight. I anticipate no changes in this regard.

Question. What is your vision of the CTR program 5 years from now?

Answer. My vision of CTR 5 years hence is of a program that has successfully implemented the management reforms of 2002–2004 to execute long-standing strategic nuclear elimination projects, and has successfully followed through on initiatives related to nerve agent elimination and WMD border security. We have overcome significant challenges over the last 3 years. Five years from now the program should have built on its already impressive threat reduction record, but with enhanced value for the U.S. nonproliferation investment and improved cooperation from recipient countries.

Question. In your view, are Russia and the nations of the former Soviet Union making a significant contribution to efforts to reduce the proliferation threats they inherited?

Answer. All of the states of the former Soviet Union have taken significant steps over the past decade to reduce the threat posed by poorly secured weapons of mass destruction and related infrastructure within their respective territories. However, the level of commitment and contribution on the part of Russia to the cooperative activities we undertake with Russia through CTR has been uneven. For instance, Russian officials have demonstrated clearly a desire to improve the security of their inactive nuclear warheads and have granted CTR the access it needs to warhead storage facilities to make this a reality. However, while Russia's economy is much stronger than in the early days of CTR, Russia continues to request substantial assistance. Russia could also contribute by following through on certain commitments, e.g., ratify the CTR umbrella agreement extension of 1999; turn over samples of Russia's altered anthrax strain; and agree to a biological weapons project implementing agreement.

Question. What needs to be done to enable agreement between Russia and the United States on access and liability issues that continue to hamper progress on some CTR programs?

Answer. All CTR activities with Russia are conducted under the CTR "Umbrella Agreement," the foundation of CTR's legal framework that was extended in 1999 for a 7-year period. The Umbrella Agreement extension has not been ratified by the Duma but has been applied provisionally—with success—since 1999. Thus, there are no liability issues that currently hamper CTR program activities. We look forward to working with Russia in the coming years to extend the Umbrella Agreement again in 2006 with the same liability protections for U.S. assistance through CTR that have existed since the beginning of the program.

Question. In your view, what new projects, if any, should be added to the CTR program and what current projects, if any, should be closed out?

Answer. CTR is sized appropriately at the current time.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.

Question. Do you support accession by the United States to the United Nations Convention on the Law of the Sea?

Answer. Yes, I agree with the administration's support of the United Nations Convention on the Law of the Sea.

Question. In your view, would ratification of this treaty be in the national security interest of the United States?

Answer. Yes.

NUCLEAR WEAPONS

Question. To meet U.S. national security needs in the post-Cold War world, the 2001 Nuclear Posture Review recommended a new strategic triad consisting of nuclear and conventional offensive forces, active and passive defenses, and a robust nuclear and defense infrastructure.

Do you agree with the conclusions of the Nuclear Posture Review?

Answer. Yes. In contrast to the Cold War where the United States faced a single major adversary, the new security environment is characterized by unpredictability, weapons of mass destruction in the hands of a large number of potential adversaries and hostile non-state actors, and a wide range of possible types of conflict, including cyberattack and terrorist strikes as well as traditional hostilities between nations. The new environment demands that the Department develop a new strategic posture. Expecting and adapting to surprise, quickly and decisively, is now a condition of planning.

The Nuclear Posture Review initiated a major change in our approach to the role of nuclear offensive forces in the U.S. deterrent strategy and provided the direction to transform our traditional nuclear triad into a New Triad. Nuclear weapons are being reduced to the lowest level consistent with our national security, including our commitments to our allies and friends. Achievement of fully integrated New Triad capabilities is an ongoing process that will continue for a number of years.

The New Triad offers the President a broader range of capabilities better suited to implementing our defense policy goals of assuring allies and friends of our ability to meet our military commitments; dissuading adversaries from undertaking military programs or operations that could threaten U.S. interests or those of our friends and allies; deterring threats and countering coercion against the United States, its forces, allies, and friends; and defeating adversaries and defending against attack should deterrence fail.

Question. What roles should nuclear weapons, including the traditional nuclear triad, play in U.S. national security policy and strategy?

Answer. The traditional nuclear triad of Intercontinental Ballistic Missiles (ICBMs), Submarine-launched Ballistic Missiles (SLBMs), and heavy bombers is now one part of the Strike element of the New Triad. Nuclear weapon capabilities remain a vital element of U.S. defense policy, allowing us to deter a nuclear, biological and chemical weapons attack on the United States and our friends and allies. Nuclear capabilities can be helpful in assuring our friends and allies of our ability to meet our security commitments; dissuading potential competitors from threatening U.S. interests or those of our friends and allies; deterring threats and countering coercion against the United States, its forces, allies, and friends; and, if necessary, defeating any adversary decisively if deterrence fails.

Question. Do you believe that exploration of new nuclear weapons concepts is justified?

Answer. Yes. Although we are not developing any new nuclear weapons at this time, if the United States is to maintain an effective deterrent, it is critical that scientists and engineers examine ways to incorporate new technologies into advanced design concepts if this becomes necessary for national security reasons. Such work also helps to recruit and retain the high quality scientists we need to maintain a nuclear deterrent capability.

Question. Do you believe that there is a need for the development or fielding of new nuclear weapons that are not currently part of the stockpile?

Answer. Currently, there is no requirement to develop and produce any new nuclear weapon. In conjunction with the Department of Energy, the Department of Defense is studying ways to modify an existing gravity bomb to satisfy a long-standing requirement to place at risk a growing set of hard and deeply buried targets.

Question. In your view, will the United States need to resume underground nuclear testing in the foreseeable future in order to ensure the reliability, safety, and security of United States strategic nuclear forces?

Answer. I support the President's policy to continue the moratorium on underground nuclear testing for the foreseeable future. If confirmed, I plan to get briefed on the condition of the nuclear weapons stockpile, including the effects of age. Each year, experts assess the condition of the stockpile to determine if nuclear testing is required to resolve a question about the safety and reliability of a warhead critical to the U.S. deterrent. I will participate in this process and will advise the Secretary accordingly on the need for nuclear testing.

Question. Do you support the moratorium on underground nuclear weapons testing? In your view, does unilateral U.S. restraint in nuclear weapons development promote nonproliferation and help dissuade other nations from similar development activities?

Answer. Yes, I support the President's policy to continue the moratorium on underground nuclear testing for the foreseeable future. At the same time, the U.S. must continue to maintain its nuclear deterrent and its ability to meet its security obligations to its allies and friends. This could include the development of new weapon designs should they ever be required. I believe current policy on nuclear weapons is consistent with U.S. nonproliferation goals.

HARD AND DEEPLY BURIED TARGETS (HDBT)

Question. Many U.S. adversaries are hardening or burying targets of interest to the U.S. military.

In your view, how serious is the challenge posed by hard and deeply buried targets to U.S. military capabilities?

Answer. I am concerned about the number of potential adversaries now hardening or burying facilities that support WMD operations. There are a growing number of

facilities, often associated with weapons of mass destruction, that are well beyond the capability of our most effective conventionally armed weapons to destroy. The Department of Defense must be able to provide the President with options to place these facilities at risk.

Question. Do you believe that the Department's efforts to develop the technical means to counter hard and deeply buried targets is adequate? Do you believe that the service support of these efforts is adequate?

Answer. The Department has a multi-faceted program to defeat HDBTs that includes both advanced conventional capabilities—including nonkinetic approaches—and the Robust Nuclear Earth Penetrator study. If confirmed, I plan to examine the details of the program further to ensure that this effort is adequate.

Question. If confirmed, what steps would you recommend, if any, to strengthen programs, policy, and management relevant to hard and deeply buried targets?

Answer. If confirmed, I plan to examine the details of this multi-faceted program further to ensure for myself that this effort is adequate.

BALLISTIC MISSILE DEFENSE

Question. What is your understanding of the nature and extent of ballistic missile threats to the United States, its allies and friends, and deployed forces?

Answer. The United States and our allies face serious and unpredictable threats and potential adversaries are less predictable and more diverse than during the Cold War. The proliferation of ballistic missiles and weapons of mass destruction (WMD) is of particular concern. Today, roughly two dozen countries, including some of the world's least responsible states, possess ballistic missiles and some are attempting to obtain missiles of longer range. Many of these states also have nuclear, biological, and chemical weapons programs.

One of the key reasons potential adversaries seek ballistic missiles is because we have no defenses against long-range missiles, and limited defenses against shorter-range missiles. Absent defenses, even primitive ballistic missiles can deliver devastating WMD attacks against population centers. Potential adversaries see these weapons as a means for exploiting an obvious U.S. and allied vulnerability. For example, North Korea continues to develop and deploy ballistic missiles, has deployed significant WMD capability, and threatens to expand its nuclear capability. North Korea continues to work on the Taepo Dong II long-range missile capable of reaching the United States with a nuclear weapon-sized payload. The Taepo Dong II could be flight-tested at any time. North Korea is also the world's foremost proliferator of ballistic missiles and has a track record of selling these weapons to some of the world's least responsible states. It has deployed—and sold—missiles with little testing. Hence, missile threats can emerge with little or no warning. Iran and other countries also are working on space-launch vehicles and long-range missiles that could be ready for testing in the next few years.

Question. From the perspective of the warfighter, do you believe that the spiral acquisition of ballistic missile defenses through concurrent fielding, development, testing, and operation is appropriate?

Answer. The Department's approach to developing and fielding missile defense has been consistent with the goal of transforming U.S. military forces and adopting a capabilities-based approach to planning. We begin with the recognition that we face serious and uncertain threats and that potential adversaries are less predictable and more diverse than during the Cold War.

In applying capabilities-based planning to missile defense, we concluded that an evolutionary or spiral approach to acquiring and fielding missile defense was the best way to address ballistic missile threats in a dynamic and unpredictable security environment. This approach to the acquisition and fielding of missile defenses will provide advanced capabilities to the warfighter, while we continue to pursue follow-on improvements to meet the changing threats. Fielding modest capabilities in the near-term will provide not only timely defensive coverage, it also will allow operational input from combatant commanders. This is especially important for the missile defense mission where there is little previous operational experience to serve as a guide.

There are several good examples where we have taken a similar approach to the timely fielding of limited capabilities still in development, such as the Predator Unmanned Aerial Vehicle (UAV) and the Joint Surveillance and Target Attack System (JSTARS). As we begin missile defense operations, this step does not indicate a reduction in aggressive development and testing activities. Rather, the Department will continue a robust development effort, and will use test results to improve existing capabilities, field new ones, and gain even greater confidence in operating missile defenses.

Question. In your view, how important are international cooperative efforts to achieving effective missile defenses? What steps, if any, should be taken to strengthen such efforts?

Answer. As the President has said, it is essential that we work together with allies and friends to defend against the shared ballistic missile threat we face. Accordingly, the Department of Defense is developing and deploying missile defenses capable of protecting not only the United States and our deployed forces, but also our friends and allies. We have taken a number of steps to strengthen cooperative efforts. For example, the Defense Department has structured the missile defense program in a manner that encourages participation by other nations. Countries can participate at varying levels of involvement, up to and including co-development and production of various systems. Other countries might also provide in-kind contributions, such as territory and facilities upon which to build components of our missile defense system.

SPACE

Question. The National Defense Authorization Act for Fiscal Year 2004 included a provision establishing as national policy support for two space launch vehicles or families of space launch vehicles capable of launching national security payloads.

Do you agree with this policy?

Answer. I do. The Department of Defense and the National Aeronautics and Space Administration (NASA) are responsible for ensuring access to space for critical national security and civil space missions, respectively. Ensuring access to space means they will provide a sufficiently robust, responsive and resilient capability to allow continued space operations. Currently, this means maintaining the two Evolved Expendable Launch Vehicle (EELV) launch service providers.

Question. If confirmed, what capabilities and programs would you prioritize to ensure U.S. access to space?

Answer. The United States' ability to deter adversaries and, if deterrence fails, to project power across the globe is dependent on our access to space and assured, protected operations in space. The capabilities required to ensure access to space include our current launch vehicle programs, launch ranges, satellite control network, responsive launch, and flexible / protected space systems.

Question. What further policy actions, if any, do you believe are needed to support assured access to space?

Answer. The security and well being of the United States, our allies, and friends depend on our ability to operate in space. Our increasing dependence on space and the vulnerability it creates require us to have the means to deter and dissuade threats to our National interests in space. If confirmed, I intend to be briefed extensively on U.S. space launch capability and other programs required to ensure assured access to space. I understand the administration has included in its ongoing strategic review the range of capabilities necessary to implement this policy, and I support this effort.

Question. Current U.S. national security space policy states that the United States should have the ability to use space to support its national security interests and the ability to deny the use of space to its adversaries.

Do you support current U.S. national security space policy?

Answer. Yes. Although currently under review, the 1996 National Space Policy continues to provide policy and guidance for the conduct of our Nation's space activities. This presidential directive states that "consistent with treaty obligations, the United States will develop, operate, and maintain space control capabilities to ensure freedom of action in space and, if directed, deny such freedom of action to adversaries. These capabilities may also be enhanced by diplomatic, legal, or military measures to preclude an adversary's hostile use of space systems and services." I agree with the Commission to Assess United States National Security Space Management and Organization that "the broad outline of U.S. national space policy is sound." If confirmed, I look forward to working with Congress and my administration colleagues to ensure that our national space policy provides a coherent approach and clear direction for advancing our interests in space.

Question. What, in your view, are the policy implications of current and anticipated threats to U.S. space systems?

Ensuring our freedom of action in space and protecting U.S. national security interests there are priorities for our space-related activities. U.S. space systems are national property afforded the right of passage through and operations in space without interference. In this regard, space is much like the high seas and international airspace. The political, military, and economic value of the Nation's activities in space may provide a motive for an adversary to attempt to counter U.S. space

advantages. Purposeful interference with U.S. space systems would be viewed as an infringement on our sovereign rights. The United States must be prepared to take all appropriate self-defense measures, including, if directed by the President and Secretary of Defense, the use of force, to respond to such an infringement on our rights.

What role, if any, should arms control play a role in protecting U.S. space systems?

Answer. The Outer Space Treaty provides certain basic rules. In addition, the Strategic Arms Reduction Treaty (START) and Intermediate-Range Nuclear Forces (INF) Treaty prohibit interference with National Technical Means of Verification. At this time, the United States does not see any need for additional arms control measures. Any new arms control measure must be equitable and effectively verifiable, and must enhance the security of the United States and our allies. In the context of space, these are difficult to achieve.

ARMS CONTROL

Question. Arms control has been a prominent feature in U.S. security policy in the past, but clearly the international security landscape has changed dramatically in the past decade.

What is your view of the current significance of arms control efforts, and the proper role of arms control in U.S. national security strategy?

Answer. Arms control agreements must be considered in the context of our national security requirements. Most existing arms control agreements were negotiated during, and are a product of, the Cold War. Our national security requirements have evolved since then. As an example, on the whole, the Anti-Ballistic Missile (ABM) Treaty was no longer a net benefit to our national security; therefore, the President decided to withdraw from the treaty, with no negative effects. The Moscow Treaty codified with Russia a decision that the United States had already made to reduce its strategic weapons to levels that we believe were necessary for the security of the United States. To be effective, arms control treaties must be based on all parties' willingness to comply with the limitations of the treaty, and must, in fact, control the arms they are designated to control. In some cases, traditional arms control agreements can provide the legal underpinning for non-traditional methods of controlling the spread of dangerous weapons. For example, the Nuclear Nonproliferation Treaty, the Chemical Weapons Convention, and the Biological Weapons Convention are the legal bases behind other efforts, such as the Proliferation Security Initiative, the Australia Group, and the Nuclear Suppliers Group.

Question. What in your view are the opportunities for arms control with respect to nuclear, chemical, and biological weapons and their means of delivery?

Answer. Nuclear weapons: The emphasis in the upcoming year for the Nuclear Nonproliferation Treaty (NPT), including the 5-year Review Conference in May 2005, will be on dealing with the main threat to the global nonproliferation regime—parties to the treaty that cheat. In the case of Iran, we will continue to work through the International Atomic Energy Agency (IAEA) Board of Governors and, eventually, the U.N. Security Council. The Democratic People's Republic of Korea (DPRK), which announced its withdrawal from the Treaty in 2003, will be dealt with in the context of the Six Party Talks. Elsewhere, we have begun initiatives to support the IAEA. President Bush outlined these objectives in his February 2004 speech on combating WMD proliferation, and these objectives will remain a major focus of our international efforts.

Chemical weapons: We will continue to meet our own Chemical Weapons Convention (CWC) obligations while pushing for universal adherence to the CWC. We will also continue to work closely with the Organization for the Prohibition of Chemical Weapons in the world-wide implementation of the CWC and the monitoring of Russia's CW destruction progress. Additionally, we remain committed to ensuring all member-States meet their CWC obligations, including the institution of implementing legislation that criminalizes violations of the Convention. We will continue to support the work of the Australia Group to limit the transfers of chemical and biological weapons technologies and precursors.

Biological weapons: The Biological Weapons Convention (BWC) establishes an important norm against the development, production, acquisition and stockpiling of biological weapons. However, given the nature of biological weapons and biotechnology, the Convention is inherently unverifiable. We will continue to push for universal adherence to the BWC and pursue initiatives that leverage existing mechanisms and national actions by States to combat the threat of biological weapons. The Department of Defense is actively engaged, along with other Departments, in

the 2003–2005 BWC Work Program. This type of effort has and will continue to produce useful results.

Delivery systems: Although there is no international treaty controlling the development and spread of ballistic missiles and cruise missiles, we do have several tools at our disposal to limit their proliferation. We will continue our strong support of the Missile Technology Control Regime, which serves an important role in coordinating the export controls of countries with the potential to be suppliers of missiles and missile-related items. We will also continue encouraging states to end their missile and defense-related trade with proliferators like North Korea.

In addition to the treaties covering nuclear, chemical, and biological weapons that are the backbone of our nonproliferation efforts, we will also use complementary mechanisms to address proliferation problems. For example, we recently worked successfully through the United Nations Security Council (UNSC) to advance the fight against weapons of mass destruction through the adoption of UNSC Resolution 1540 on nonproliferation.

PROLIFERATION SECURITY INITIATIVE (PSI)

Question. If confirmed, would you have a role in policy formulation and implementation of the PSI? If so, what would your role be?

Answer. If confirmed, I would have a leading role in the policy formulation and implementation of the PSI. The Office of the Assistant Secretary of Defense for International Security Policy has been responsible for formulating and implementing PSI within the Department of Defense since the President announced this initiative in May 2003. The head of the U.S. delegation to the Operational Experts Group of the PSI will be under my supervision, and I will provide that person with policy guidance on how to improve PSI's operational focus internally within the Department and within the U.S. Government, while interacting with PSI experts from other governments. We will work closely with the Joint Staff, the Military Departments, the combatant commands, and the other agencies within the USG to strengthen and expand under the PSI efforts to stem the proliferation of WMD, their delivery systems, and related materials.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. As a political appointee, I consider it my duty to be an advocate for the policies of the administration. However, I will always be prepared to provide my best professional judgment when asked.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for International Security Policy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JACK REED

1. Senator REED. Mr. Flory, please explain your role in the planning and execution of the war in Iraq.

Mr. FLORY. Since July 2001, I have served as Principal Deputy Assistant Secretary of Defense for International Security Affairs (ISA). In this capacity, I serve as the senior deputy to the Assistant Secretary for ISA, and as a senior advisor to the Under Secretary of Defense for Policy (USDP) and the Secretary of Defense. ISA is responsible for regional political-military policy for Africa, Asia-Pacific, Near East and South Asia, and the Western Hemisphere. Within ISA, the Deputator of Near

Eastern and South Asian Affairs (NESA), headed by a Deputy Under Secretary, is responsible for Iraq.

The USDP does not conduct war planning or execute war plans. The USDP and his staff (including ISA) advise the Secretary of Defense regarding policy guidance for the preparation and review of operational and contingency plans prepared by the combatant commanders, and in reviewing such plans in collaboration with the Joint Staff.

Within that context, I was aware of and participated in the development of overall U.S. policy toward Iraq. Because of the breadth of my responsibilities as Principal Deputy, overseeing the full range of regional policies in ISA, my involvement in the day-to-day deliberations that developed policy guidance for the preparation of operational and contingency plans for Iraq was limited. The bulk of this work was conducted by the NESA's Directorate of Northern Gulf Affairs (officially known from summer 2002 to spring 2003 as the Directorate of Special Plans). While NESA is part of ISA, because of the salience and sensitivity of the work on Iraq during that period, much of the work was directly overseen by the USDP.

In addition, before and during major combat operations in Iraq, in the spring of 2003, I served in the U.S. embassy in Tel Aviv as the senior civilian member of a civilian-military team that provided liaison between the U.S. Department of Defense and the U.S. Central and European Commands, and the Israeli Ministry of Defense.

[The nomination reference of Peter C.W. Flory follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 1, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Peter Cyril Wyche Flory of Virginia, to be an Assistant Secretary of Defense, vice Jack Dyer Crouch II.

[The biographical sketch of Peter C.W. Flory, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF PETER C.W. FLORY

Peter C.W. Flory became Principal Deputy Assistant Secretary of Defense for International Security Affairs in July 2001. In this capacity, he serves as the principal assistant to the Assistant Secretary for International Security Affairs, who is the principal advisor to the Secretary of Defense on the formulation and coordination of international security strategy and policy for East Asia, South Asia, the Middle East and Persian Gulf, Africa, and Latin America.

From April 1997 to July 2001, Mr. Flory was Chief Investigative Counsel and Special Counsel to the Senate Select Committee on Intelligence (SSCI). Mr. Flory had responsibility for the People's Republic of China and other regional issues, as well as counterintelligence, covert action, denial and deception, and other intelligence oversight matters.

An Honors Graduate of McGill University, Mr. Flory received his law degree from Georgetown University Law Center. After working as a journalist, he served as a national security advisor to members of the House Foreign Affairs Committee and Senate Defense Appropriations Subcommittee. From 1989 to 1992, Mr. Flory served as the Special Assistant to Under Secretary of Defense for Policy Paul D. Wolfowitz. From 1992 to 1993, he was an Associate Coordinator for Counterterrorism in the Department of State with the rank of Deputy Assistant Secretary. From 1993 until he joined the SSCI staff in 1997, Mr. Flory practiced law with the firm of Hughes, Hubbard & Reed LLP.

Mr. Flory speaks German and French. He and his wife Kathleen have six children, and reside in Nokesville, Virginia.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the

advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Peter Cyril Wyche Flory in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Peter Cyril Wyche Flory.
2. **Position to which nominated:**
Assistant Secretary of Defense for International Security Policy.
3. **Date of nomination:**
June 1, 2004.
4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]
5. **Date and place of birth:**
October 16, 1955; Pinehurst, NC.
6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Kathleen M. McGovern.
7. **Names and ages of children:**
Henry (17), Seamus (16), Fiona (13), Xavier (11), Isabelle (9), and Mairead (4).
8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
St. Marks School, Southborough, MA; High School Diploma; 1973.
McGill University, Montreal, Canada; B.A. with Joint Honors; 1979.
Columbia University Graduate School of Journalism (1979-1980); No degree.
Georgetown University Law Center; J.D.; 1993.
9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Principal Deputy Assistant Secretary of Defense For International Security Affairs (July 2001-Present), U.S. Dept. of Defense, 4E841 Pentagon, Washington, DC.
Special Counsel/Chief Investigative Counsel (April 1997-July 2001), Senate Select Committee on Intelligence, SH-211 U.S. Senate, Washington, DC.
Attorney, Hughes Hubbard & Reed LLP (Feb. 1993-April 1997), 1300 I St. NW (now located at 1775 I St. NW), Washington, DC.
10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Associate Coordinator for Counterterrorism (Jan. 1992-Jan. 1993), U.S. Department of State.

Special Assistant to Under Secretary of Defense for Policy (Dec. 1989–Jan. 1992), U.S. Department of Defense.

Legislative Assistant for National Security (Aug. 1987–Dec. 1989), Sen. James McClure, U.S. Senate.

Legislative Assistant for Foreign Affairs and Defense (Aug. 1986–Aug. 1987), Rep. Olympia Snowe, U.S. House of Representatives.

Legislative Assistant (May 1985–Aug. 1986), Rep. Bobbi Fiedler, U.S. House of Representatives.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Member, Henry C. Flory Family LLC, 120 Applecross Road, Pinehurst, NC.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member (Currently Inactive) DC Bar.

Member (Currently Inactive) Pennsylvania Bar.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

George W. Bush Campaign 2000—\$250.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

None.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Op-Ed “Keeping Counterterrorism A Serious Priority,” Washington Times, April 20, 1994.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have not given any formal speeches in the last 5 years.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–F are contained in the committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

PETER C.W. FLORY.

This 23th day of June, 2004.

[The nomination of Peter Cyril Wyche Flory was reported to the Senate by Chairman Warner on September 30, 2004, with the recommendation that the nomination be confirmed. The nomination

was placed on the executive calendar but not acted upon prior to adjournment sine die of the 108th Congress.]

[Prepared questions submitted to Valerie Lynn Baldwin by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the enactment and objectives of these defense reforms.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. It appears that these reforms have resulted in significant improvements by defining the roles and responsibilities of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Service Secretaries.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The key result was the strengthening of the effectiveness of military operations, which was accomplished by strengthening civilian control and better defining responsibilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you think it might be appropriate to address in these proposals?

Answer. I am not aware of any current proposals to amend Goldwater-Nichols. It is too early for me to comment about any proposals without additional evaluation and insight.

DUTIES OF THE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Question. The duties of the Assistant Secretary of the Army for Financial Management and Comptroller are set forth in section 3016(b)(4) and 3022 of title 10, United States Code. The Assistant Secretary of the Army for Financial Management and Comptroller has principal responsibility for the exercise of the comptroller functions of the Department of the Army, including financial management functions.

What is your understanding of the duties and functions of the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. If confirmed, I will be responsible for advising the Secretary of the Army on financial matters and directing all Comptroller and Financial Management functions of the Department of the Army.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe my background qualifies me to serve as Assistant Secretary of the Army (Financial Management and Comptroller). I have significant experience in the legislative process, from both appropriations and authorization perspectives, and understand the oversight role of Congress in financial matters. I have made extensive visits to Army installations throughout the world and have an appreciation of the needs facing the Army and the challenges to finance them. My education in law gives me a solid foundation to build upon.

Question. Do you believe that there are any actions that you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. I am always looking to improve my skills and understanding of fiscal issues. If confirmed, I will need to gain a better understanding of the Army's challenges.

RELATIONSHIPS

Question. What do you see as the relationship between the Assistant Secretary of the Army for Financial Management and Comptroller and each of the following?

The Secretary of the Army

Answer. The Assistant Secretary of the Army (Financial Management and Comptroller) is the principal advisor to the Secretary of the Army on financial matters and directs Comptroller and Financial management functions of the Department of the Army.

Question. The Under Secretary of the Army

Answer. My relationship to the Under Secretary would mirror that of the Secretary of the Army.

Question. The Under Secretary of Defense (Comptroller)

Answer. If confirmed, I would work closely with the Under Secretary of Defense (Comptroller) to ensure the Army financial management and comptroller policies dovetailed with those of the office of the Under Secretary of Defense (Comptroller).

Question. The Assistant Secretary of Defense Networks and Information Integration/Chief Information Officer

Answer. Financial Management systems are the critical link in enabling the Army to perform accurate, timely financial management and are crucial in auditable financial statements. The Army's financial managers need to include the Chief Information Officer in all financial management system planning and decisionmaking.

Question. The Director, Office of Program Analysis and Evaluation (PA&E)

Answer. If confirmed, I will support the Director, Office of Program Analysis and Evaluation in fulfilling his or her role of providing independent assessments. I will also work with the Director, PA&E to ensure the success of the Planning, Programming, Budgeting, and Execution (PPBE) process.

Question. The Chief of Staff of the Army

Answer. If confirmed, I would work closely with the Chief of Staff of the Army on resourcing and financial management issues.

Question. The other Assistant Secretaries of the Army

Answer. My relationship with the other Assistant Secretaries would support the responsibility I would have, if confirmed, to advise the Secretary of the Army on financial matters and direct all Comptroller and Financial Management functions and activities of the Department of the Army.

Question. The General Counsel of the Army

Answer. I will consult and coordinate with the General Counsel on all legal matters and financial management and comptroller issues requiring legal review.

Question. The Assistant Secretaries for Financial Management of the Navy and Air Force

Answer. If confirmed, I will work with the Navy and Air Force Assistant Secretaries for Financial Management to serve as the Army financial management liaison to the Office of the Under Secretary of Defense (Comptroller).

Question. The Deputy Chief of Staff (G-5) of the Army

Answer. Not applicable to the Army.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. Any Assistant Secretary of the Army for Financial Management will be challenged to improve financial management systems and processes, to include finance, accounting, budget, and feeder systems to provide accurate, reliable and timely financial information. The Army will also be challenged to ensure adequate funds are available to fight and win the global war on terrorism while maintaining the Army as the best trained and equipped force in the world. The Army must continue to develop consistent and executable budgets that support the priorities of the Secretary of Defense and the Secretary of the Army, under the guidance of the President.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Comptroller) and our sister Services, and the Army leadership team to achieve a unified approach to addressing challenges. I will make every effort to ensure that sufficient resources and financial management information are available to successfully address issues.

Question. What are the financial management personnel issues you foresee as challenges and, if confirmed, what actions do you intend to initiate to address those challenges?

Answer. I am not aware of specific problems or issues. However, I am convinced that having and maintaining quality personnel is key to the success of the Army.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. If confirmed, I would establish priorities for preparation of auditable financial statements, preparation of fully justified budget submissions and development of streamlined/efficient financial systems compliant with joint architectures. If confirmed, I would work hard to ensure that adequate funds are available to support our Army to fight and win the global war on terrorism and take care of soldiers and their families.

CIVILIAN AND MILITARY ROLES IN THE ARMY BUDGET PROCESS

Question. What is your understanding of the division of responsibility between the Assistant Secretary of the Army for Financial Management and Comptroller and the senior military officer responsible for budget matters in the Army Financial Management and Comptroller office in making program and budget decisions, including the preparation of the Army Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program?

Answer. If confirmed as the Assistant Secretary of the Army (Financial Management and Comptroller), I will have responsibility for all budget matters within the Department of the Army. The senior military officer who serves as the Military Deputy will serve under my direct supervision. Additionally, if confirmed, I will have formal oversight responsibility for the Secretary for all financial aspects of the Program Objective Memorandum preparation and the Army portions of the annual President's budget submission, along with all the entries in the Future Years Defense Program (FDYP).

FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Question. DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Despite numerous strategies and inefficiencies, problems with financial data continue.

What do you consider to be the top financial management issues to be addressed by the Department of the Army over the next 5 years?

Answer. The Army must have financial management systems that provide accurate, timely, and reliable information for use in making business decisions regarding the allocation of resources during the year of execution and over the program years. To properly address these issues, the Army needs to replace inefficient non-integrated systems and processes with modern solutions and best practices that fit within the Department of Defense Business Enterprise Architecture. I believe the Department of the Army must improve the delivery of pay services to soldiers, and improve financial management systems and processes.

Question. If confirmed, how do you plan to provide the needed leadership and commitment necessary to ensure results and improved financial management in the Army?

Answer. If confirmed, I will work closely with the Army leadership, the office of the Under Secretary of Defense-Comptroller, and the Defense Finance and Accounting Service to improve our financial management practices.

Question. What are the most important performance measurements you would use, if confirmed, to evaluate changes in the Army's financial operations to determine if its plans and initiatives are being implemented as intended and the anticipated results are being achieved?

Answer. Key performance measures include timely, relevant, and accurate financial information that is capable of obtaining a favorable audit. If confirmed, I will enlist the support of the Army's leadership to establish additional logical, useful, and relevant performance measures.

BUDGET JUSTIFICATION INFORMATION

Question. If confirmed, what changes do you intend to initiate to improve the timeliness, adequacy, and accuracy of the Budget Justification books provided to Congress by the Army?

Answer. It is premature for me to offer any specific changes to the process used to develop the Budget Justification books. I fully understand the need to submit relevant justification material in enough detail to permit Congress to carry out their constitutional duties. I have seen improvements in the Army's justification materials and if confirmed, will continue the efforts underway to improve them.

DOD FINANCIAL MANAGEMENT

Question. The GAO has reported that DOD lacks the necessary integrated accounting systems to properly control assets and control costs. DOD has acknowledged that overall, its reported network of 167 critical financial management systems does not comply with the Federal Financial Management Improvement Act's Federal financial management systems requirements. (GAO Report: DOD Financial Management—Integrated Approach, Accountability, and Incentives Are Keys to Effective Reform, May 8, 2001).

If confirmed, how do you intend to improve the Department of the Army's financial management system?

Answer. If confirmed, I will ensure that the Army works closely with the Business Management Modernization Program Office on the improvement of financial systems, and that these improvements align with the DOD Business Enterprise Architecture.

Question. If confirmed, would you support the consolidation and integration of the Department of Defense's reported network of 167 critical financial management systems even if it means that the Army would lose direct supervisory control of its service-financial management systems?

Answer. Yes, I think that DOD and the Army need to consolidate and integrate critical financial management systems. This effort needs to leverage commercially available technological solutions and supporting business practices. The Army has transferred direct supervisory control of financial management systems to the Defense Finance and Accounting Service. I believe it is important that the Army be actively engaged in the implementation and operation of financial management systems.

SUFFICIENCY OF FINANCIAL MANAGEMENT SYSTEMS

Question. What do you consider to be the most critical shortfall in the Department of Defense's and Department of the Army's financial management systems?

Answer. The lack of a compliant, integrated accounting and financial management system is one area of concern and will be an area I intend to address if I am confirmed.

Question. If confirmed, what private business practices would you advocate for adoption by the Department of Defense and Department of the Army?

Answer. One private sector area that holds significant potential for DOD is to adopt commercially available software products, and associated business practices. If confirmed, I will ensure that these products comply with the Department's Business Enterprise Architecture and applicable policy guidance and objectives of the Department.

Question. What are your views on privatizing the military pay system?

Answer. In general, I am open to the privatization of non-core business functions in accordance with the President's Management Agenda. However, I would have to understand the details of any privatization plan, and ensure that this critical function is implemented correctly.

IMPROPER USE OF FIRST AND BUSINESS CLASS TRAVEL

Question. The GAO recently reported that breakdowns in internal controls resulted in improper first and business class travel by Department of Defense employees, and increased costs to taxpayers.

What actions has the Department of the Army taken in response to this report?

Answer. Internal controls are essential. If confirmed, I will ensure that the Army implements policies to correct internal control problems.

TRAVEL AND GOVERNMENT PURCHASE CARDS

Question. The increased use of government travel and purchase cards were significant financial and acquisition reform initiatives of the past decade. Concerns, how-

ever, have been raised in the past several years about the controls put in place for both the travel and purchase cards.

What is the status of Army efforts to ensure that proper controls are in place that will not jeopardize the benefits accrued from the proper use of these cards?

Answer. If confirmed, I will work with the Army's acquisition community to ensure effective policies and controls are in place, and that these controls provide for the detection of problems and enable managers to monitor program performance.

INVENTORY MANAGEMENT

Question. Do you believe that the Army has adequate information about and controls over its inventory?

Answer. At this point I have not studied in detail the Army's inventory policies, procedures, and challenges. I recognize that sound inventory management is a critical component in ensuring organizational effectiveness and efficiency. Inventory management is also essential to achieving accurate financial statements.

Question. If not, what steps would you take, if confirmed, to improve inventory management?

Answer. Learning about the Army inventory management policies, procedures, and challenges and seeking ways to make improvements will be one of my top priorities if I am confirmed.

BUSINESS MANAGEMENT MODERNIZATION PROGRAM

Question. For the past 3 years, the administration has pursued a Business Management Modernization Program (BMMP) aimed, in part, at correcting deficiencies in the Department of Defense's financial management and ability to receive an unqualified "clean" audit. Two years ago, Under Secretary of Defense (Comptroller) Zakheim testified before the Readiness Subcommittee that the Department of Defense's financial management modernization would be complete by 2007. By that time, he stated, that the Department would be able to provide a full, repeatable accounting of resources and funding.

Do you expect the Army to meet that 2007 time line for financial modernization?

Answer. I have not been involved in the Army's efforts to meet the 2007 deadline for financial modernization. If confirmed, I will support the Army's efforts to obtain a "clean" audit by 2007. I will reserve judgment, however, on the time needed to modernize Army financial management until I have an opportunity to assess the Army's plans and progress.

Question. Do you support continuing the BMMP?

Answer. I would like to gain a better understanding of the BMMP before making a judgment on this critical matter. If confirmed, I will work closely with Congress to address Army plans and progress.

Question. The BMMP advocates top-down leadership in establishing an enterprise architecture for business systems modernization. The Services, however, appear to be pursuing independent pilot programs for modernizing business systems, despite the risk that a Service-led approach could produce numerous incompatible systems.

Do you support an OSD-led approach to business modernization?

Answer. I believe it is important for DOD to develop the Business Enterprise Architecture for implementation across the entire Department. The Army and other Services need to participate in and support this effort.

Question. If so, what would you do, if confirmed, to ensure that the Army supports such an approach?

Answer. I will ensure that the Army is fully engaged and actively participates in development of the Business Enterprise Architecture, and that all Army modernization programs comply with the architecture's requirements.

Question. A critical requirement of the BMMP is an "enterprise architecture" that would establish standards and requirements for modernization or new acquisition of business information technology systems.

Why is establishing an effective enterprise architecture so important?

Answer. Though not an information technologies specialist, I believe an effective enterprise architecture is important because it provides the blueprint necessary to enable the Department's business systems to operate in an integrated, cohesive manner. An enterprise architecture provides the business rules that must be followed by all business applications throughout the Department to enable the needed integration.

Question. When can Congress expect to see a fully developed enterprise architecture?

Answer. I am not familiar with the current schedule but will work with DOD to ensure the enterprise architecture is developed and implemented in an efficient manner.

GAO RECOMMENDATIONS FOR REFORM

Question. In testimony before the Readiness and Management Support Subcommittee this year, the Comptroller General of the United States, David M. Walker, offered two suggestions for legislative consideration which, in his words, are intended "to improve the likelihood of meaningful, broad-based financial management and related business reform at DOD." These included establishing a senior management position in the Department of Defense to spearhead Department-wide business transformation efforts, and giving the leaders of the Department's functional areas, or "domains," control of systems investments.

What is your view of these suggestions?

Answer. I have not developed an opinion on these recommendations and will need to study their details before making a judgment.

Question. Mr. Walker testified that the Department of Defense should fix its financial management systems before it tries to develop auditable financial statements. He explained that: "Given the size, complexity, and deeply ingrained nature of the financial management problems facing DOD, heroic end-of-the-year efforts relied on by some agencies to develop auditable financial statement balances are not feasible at DOD. Instead, a sustained focus on the underlying problems impeding the development of reliable financial data throughout the Department will be necessary and is the best course of action."

Do you agree with this statement?

Answer. I am unaware of all of the factors that led Mr. Walker's conclusion and, if confirmed, would review them in depth before making a final assessment. Certainly identifying the source of the problems, creating solutions to address the problems, and maintaining good practices across all financial management systems are important steps to develop.

RESERVE COMPONENT MILITARY PAY SYSTEMS

Question. The GAO recently completed a report that identified extensive problems with the National Guard's pay system. Modernizing the military payroll system is part of the longer term Business Management Modernization Program, however, it is essential that corrections be made immediately in this system to minimize personal hardships on deployed Guardsmen, reservists and their families.

If confirmed, what would you do to address these pay problems in both the short and long term?

Answer. I firmly believe that all soldiers—active, Guard, and Reserve—should be paid the right amount and on time. I will work with the Army leadership, particularly those in the personnel arena, DOD, and Defense Finance and Accounting Service (DFAS) to ensure immediate corrections in the payroll system are made that enable all soldiers to be paid the right amount and on time. If confirmed, I would make it a priority to work with OSD to work on and correct problems in the military payroll system.

BASE CLOSURE SAVINGS

Question. The Department has asserted that additional base closures are needed to bring the Department's base structure in line with its force structure.

In your view, have the previous base closure rounds resulted in significant savings for the Department of the Army?

Answer. According to the General Accounting Office reports, previous base realignment and closure (BRAC) rounds have generated savings over time. There are, of course, significant up front costs to closing bases, but these are generally offset by the long-term savings.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to section 114 of title 10, U.S. Code, is necessary before funds for operations and maintenance, procurement, research and development, and military construction may be made available for obligation by the Department of Defense and Department of the Army?

Answer. The U.S. Code specifies that such authorization is necessary before funds for the appropriations listed above may be obligated or expended. If confirmed, I will follow the policies and procedures directed by the Under Secretary of Defense

(Comptroller) in dealing with any specific line items, which might fall under the "appropriated but not authorized" category.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. As a political appointee, I consider it my duty to be an advocate for the policies of the administration. However, I will always be prepared to provide my best professional judgment when asked.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Valerie Lynn Baldwin follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 8, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army, vice Sandra L. Pack, resigned.

[The biographical sketch of Valerie Lynn Baldwin, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF VALERIE LYNN BALDWIN

Valerie Lynn Baldwin has been a member of the Appropriations Committee Staff of the United States House of Representatives since 1996, serving most recently as the Clerk of the Military Construction Subcommittee. From 1996 until moving to the Military Construction Subcommittee in 2001, she was a staff assistant on the Veterans Affairs, Housing and Urban Development and Independent Agencies Subcommittee.

Ms. Baldwin also served as the Legislative Counsel to the Housing Subcommittee of the Financial Services Committee from 1993 to 1996. Prior to 1993 she served as a trial attorney at the Department of Housing and Urban Development and a legislative assistant on the staffs of Senator Nancy Landon Kassebaum and Senator John Glenn.

Ms. Baldwin received her law degree from the University of Kansas School of Law, her master's degree from the London School of Economics and Political Science, her bachelor's degree from Wichita State University, and her associate's degree from Seward County Community College.

Ms. Baldwin is the daughter of Annette Lemert of Liberal, Kansas, and Chuck Baldwin of Wichita, Kansas. She attends Saint Albans Church and is the proud god-mother of five children.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the

advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Valerie Lynn Baldwin in connection with her nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. Name: (Include any former names used.)

Valerie Lynn Baldwin.

Valerie Lynn Olson.

2. Position to which nominated:

Assistant Secretary of the Army for Financial Management and Budget.

3. Date of nomination:

July 8, 2004.

4. Address: (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. Date and place of birth:

March 10, 1961; Wichita, Kansas.

6. Marital Status: (Include maiden name of wife or husband's name.)

Single.

7. Names and ages of children:

None.

8. Education: List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Liberal High School, 1976-1979, diploma awarded in May 1979.

Seward County Community College, September 1979-May 1981, Associate of Science degree conferred in May 1981.

Wichita State University, September 1981-May 1983, Bachelor of Arts degree conferred in May 1983.

London School of Economics and Political Science, September 1983-September 1984, Master of Science in Politics degree conferred in September 1984.

University of Kansas School of Law, September 1988-May 1991, Juris Doctorate degree conferred in May 1991.

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

2001 to present, Clerk, Military Construction Subcommittee, Appropriations Committee, U.S. House of Representatives, Washington, DC.

1996-2001, Staff Assistant, VA, HUD, and Independent Agencies Subcommittee, Appropriations Committee, U.S. House of Representatives, Washington, DC.

1993–1996, Legislative Counsel, Housing Subcommittee, Banking and Financial Services Committee, U.S. House of Representatives, Washington, DC.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Saint Albans Church

Phi Theta Kappa Honor Society

Phi Theta Kappa Alumni Organization

Daughters of the American Revolution

Gamma Phi Beta Alumni Association

P.E.O.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

None.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Distinguished Alumnus, Kansas Phi Theta Kappa, 1996.

Achievement Award and Commissioner's Award, Department of Housing and Urban Development, 1992.

Arnold-Wittenberg Fellowship, Gamma Phi Beta, 1988.

Rotary International Fellow, The London School of Economics, 1983.

Scanlon Scholar, Wichita State University, 1983.

Presidential Scholar, Wichita State University, 1982, 1983.

Emory Lindquist Scholar, Wichita State University, 1982, 1983.

Mortar Board, Wichita State University, 1983.

Founding member of Beta and Gamma of Kansas Phi Theta Kappa Alumni chapters.

National President and North Central Vice President, Phi Theta Kappa, 1980.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

As a professional staff member of the committees listed in question #9, I was involved with the development and publishing of various reports and bills developed by the committee.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

VALERIE L. BALDWIN.

This 13th day of July, 2004.

[The nomination of Valerie Lynn Baldwin was reported to the Senate by Chairman Warner on July 22, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2004.]

NOMINATIONS OF DR. FRANCIS J. HARVEY TO BE SECRETARY OF THE ARMY; RICHARD GRECO, JR., TO BE ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL MANAGEMENT; AND GEN. GREGORY S. MARTIN, USAF, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES PACIFIC COMMAND

WEDNESDAY, OCTOBER 6, 2004

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:08 a.m. in room SR-222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Inhofe, Allard, Sessions, Talent, Levin, Reed, Akaka, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Stanley R. O'Connor, Jr., professional staff member; Paula J. Philbin, professional staff member; Lynn F. Rusten, professional staff member; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Daniel J. Cox, Jr., professional staff member; Evelyn N. Farkas, professional staff member; Maren R. Leed, professional staff member; Gerald J. Leeling, minority counsel; and Peter K. Levine, minority counsel.

Staff assistant present: Catherine E. Sendak.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; Christopher J. Paul and Marshall A. Salter, assistants to Senator McCain; John A. Bonsell, assistant to Senator Inhofe; Lance Landry and Jayson Roehl, assistants to Senator Allard; Arch Galloway II, assistant to Senator Sessions; Lindsey R. Neas, assistant to Senator Talent; and Clyde A. Taylor IV, assistant to Senator Chambliss; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi and Richard Kessler, assistants to

Senator Akaka; William K. Sutey and Dan Shapiro, assistants to Senator Bill Nelson; and Terri Glaze, assistant to Senator Pryor.

**OPENING STATEMENT OF SENATOR JOHN WARNER,
CHAIRMAN**

Chairman WARNER. The hearing will come to order. We welcome all present here today. I am very pleased that we have three distinguished potential public servants, one of them on active duty now and very much a public servant, before the committee this morning.

Dr. Harvey, General Martin, and Mr. Greco, would you kindly, at this time, introduce those family members that you have present?

Dr. Harvey, I understand we brought you back from California on short notice, so I believe you're on your own this morning.

Dr. HARVEY. I am on my own, Senator.

Chairman WARNER. On your own.

Dr. HARVEY. I'm sorry my wife isn't here, but she said her heart's with me.

Chairman WARNER. Thank you.

General Martin?

General MARTIN. Thank you, Mr. Chairman. I'm delighted to introduce my high-school sweetheart. We met each other in Hawaii in high school and we've been married for 33 years. Wendy Martin is her name. She's been a wonderful military spouse and mother of three children. I think she has been the anchor point of the Martin family, and her involvement in our organizations as we've gone through our career, and her support of our family, has given me the opportunity to be somewhat successful. I love her, and I'm glad she's here with me.

Chairman WARNER. Thank you very much.

General MARTIN. I would also like to introduce my brother. He's an older brother. Steve Martin. He's a retired Senior Master Sergeant from the United States Air Force, living in San Antonio today, and he has served his Nation from 1965 until his retirement in 1997, including a tour as a transportation specialist at the siege of Khe San in Vietnam in 1968. I'm glad that my brother is here to keep me on track.

Chairman WARNER. Thank you very much. We welcome you, and we thank you for your public service.

Mr. Greco?

Mr. GRECO. Thank you, Mr. Chairman. I, like Dr. Harvey, am here by myself today, but certainly not alone in spirit, as well. I would like to thank my wife Marla and our four children, Mary, Ricky, Cecilia, and Claudia, who, unfortunately, couldn't be here today. It is my wife, in particular, who selflessly gives of herself entirely, having left the practice of law so that she could raise our family. Without her support, love, and sacrifice, which is very real and very tangible every day, I would be much less, in all respects, than I am today, and incapable of dedicating myself to public service.

I would also like to thank my mother and father, Ann and Richard Greco, Senior, who have been my foundation and example of virtue always.

Thank you.

Chairman WARNER. Thank you. Would you give the ages of those four children?

Mr. GRECO. Sure. Four, three, almost two, and almost one. [Laughter.]

Chairman WARNER. I share with all present, I was aware of that and just wanted to see your reaction and see if it was the same as mine. [Laughter.]

We welcome our distinguished colleague, Senator Brownback, this morning. Knowing of your schedule, the committee will now recognize you for the purposes of an introduction.

STATEMENT OF HON. SAM BROWNBACK, U.S. SENATOR FROM THE STATE OF KANSAS

Senator BROWNBACK. Thank you very much, Mr. Chairman and members of the distinguished Armed Services Committee, a pleasure to be here with you. With the task you've just given me, I have additional duties that I have to attend to, as well.

I'm here to introduce Mr. Greco. I got to know him at the White House Fellows Program that he participated in. I'm an alumni of that program, as well. I worked with him there. He was with the Department of Defense. I think he's one of the most extraordinary candidates you could have for this job or any job within public service.

He is a graduate of Fordham, with a Master's of Business Administration from the University of Chicago and a Master of Arts from Johns Hopkins. He has a spectacular academic background. Mixing that with private finance-sector experience that he has had, having worked in the Scowcroft Group, great international experience, a wonderful man, great family and growing family make a great package. I don't know how many more children are on the way, but we have them stacked up like planes landing at National Airport right now.

This is a great public servant. He's worked in Baghdad with Ambassador Bremer, a fabulous set of experiences. I would just summarize by saying from my experience with Mr. Greco, he's that type of person that has both a good heart and a good head. You need both in this business. You need somebody that can have a heart that feels, knows, and can discern right from wrong, and you need a good head to be able to figure things out. He has them both, and I highly recommend him for this post.

I'm delighted, Mr. Chairman and members of the committee, that you would give me a few moments to put forth my recommendation of Richard Greco.

Chairman WARNER. Senator, it's very important that you have taken the time to share with us your own personal views about this outstanding nominee. We thank you very much.

Senator BROWNBACK. If you don't mind, I'll have to take my leave.

Chairman WARNER. You're free to go.

Dr. Harvey, you were here before this committee in connection with another nomination by the President, and now the President has indicated that you are his nominee to be the 19th Secretary of the Army in the history of the United States. That is quite an

honor for you, but it is in recognition of an extraordinary career. You are a business executive, with extensive experience in leading and managing large corporations, particularly program-based organizations involved in the development and deployment of technology and systems. As a part of your results-oriented management approach, you place major emphasis on business transformation, especially through process improvement in combination with the application of information technology. Doctor, those are phrases and words that come before this committee regularly, and, most particularly, in connection with the Army, which is going through a major transformation.

At this point, I know my colleagues would want to join me in recognition of the contribution by the Acting Secretary of the Army, Secretary Brownlee, who served this committee with great distinction for many years and actually was Chief of Staff at the time that our esteemed colleague, Senator Thurmond, was chairman. We all feel that he has done a very credible job, and I hope that, in the event that you are confirmed, that you will access yourself to his knowledge and experience. While you, with your career, have had—and I could go on, and we will put into the record the extensive accomplishments you had there is another side of the Army you may not be as knowledgeable about.

[The information referred to is included in the biographical sketch of Dr. Harvey.]

Chairman WARNER. The other side of the Army is a human one with the privates and their wives, the sergeants who are aspiring to be lieutenants in many instances, and the four-stars on down. It is an enormous, big family. At this point in our history, the United States Army is being put to a challenge that really has very few precedents in its long and distinguished career as an institution. Therefore, this committee wishes to carefully analyze all of your accomplishments, your credentials, and hear from you this morning, particularly how you want to address that other side of the Army, which is a very human one, which daily or weekly, as the case may be, is suffering losses of their loved ones, and we grieve with their families. So it is a daunting position to which the President has nominated you, and we will very carefully scrutinize your qualifications. Thank you very much, Dr. Harvey, for offering to come back and serve your country again.

We welcome General Gregory S. Martin, United States Air Force. I read through your record of accomplishments yesterday, and they, indeed, are impressive as a professional officer. You've been nominated to be Commander of the United States Pacific Command (PACOM). Presently the Commander of the Air Force Materiel Command at Wright-Patterson Air Force Base, you're a command pilot who flew 161 combat missions in Southeast Asia and later commanded the 421st Tactical Fighter Squadron and 49th Tactical Fighter Wing. Prior to your current assignment, you were the Commander, U.S. Air Forces in Europe, and also served from 1998 to 2000 as the Principal Deputy to the Assistant Secretary of the Air Force for Acquisition. We, as a committee, have been very involved with the Department of the Air Force, and particularly with several of their temporary acquisition projects. Those will be covered

in detail here this morning to the extent that you were in the decision chain or otherwise had association with those contracts.

The committee is also pleased to have Richard Greco before us, who has been nominated to be Assistant Secretary of the Navy for Financial Management. Mr. Greco had an interesting career in private life and public life, particularly in corporate financial matters prior to your appointment as a White House Fellow in 2002 and service in the Office of the Secretary of Defense (OSD). That would be under Secretary Rumsfeld. In May 2003, Mr. Greco served as Special Advisor to Presidential Envoy and Administrator of Iraq L. Paul Bremer, and that was a challenging assignment to have had at that time. Your efforts were devoted to private-sector development and financial-sector management and modernization. Subsequently, you were assigned as acting director of Private Sector Development for the Coalition Provisional Authority (CPA) Representative's Office, where your role was to serve as the liaison between the international private sector and CPA in Baghdad.

So we welcome all of our nominees, and the committee will very carefully, fairly, and objectively give our views with regard to your credentials.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, let me thank you, and welcome our three nominees. I want to thank them for their service and thank their families, as you have and always do, for their service to our Nation in supporting these nominees and making it possible for them to serve.

If confirmed as Secretary of the Army, Dr. Harvey will take the reins of a military service that has primary responsibility for taking on an aggressive insurgency and winning the peace in Iraq. At the same time, the Army continues to bear the brunt of the continuing effort to stabilize and rebuild Afghanistan; to keep the peace in Bosnia, Kosovo, and on the Sinai; to contain the threat of North Korea; and also to prepare to execute other missions in support of the national military strategy.

The Secretary's challenge, and the challenge for the administration and Congress, is to ensure that this Army does not lose its edge under the strain of these multiple tasks. I hope that Dr. Harvey will share with us his views today on a number of critical issues facing the Army, such as:

Is the Army large enough to meet its commitments in this new strategic environment?

Does the Army have the proper organizational structure, including roles, missions, and force mix between active and Reserve components?

How dangerous is the current and projected tempo of operations (OPTEMPO) and personnel tempo (PERSTEMPO) to the All-Volunteer Army?

Is the balance between current readiness and future readiness ensured by modernization and transformation about right?

Given the reality of limited resources, how should we prioritize among the requirements to recapitalize the cur-

rent force, field the interim force of Stryker Brigade combat teams, and develop the future combat systems of the future objective force?

Our second nominee, Mr. Greco, if confirmed, will face the challenge of helping to balance the Navy's current readiness requirements against future modernization needs. He will also be faced with the critically-important job of improving the Navy's deficient financial-management systems.

Our third nominee, General Martin, comes before us after a distinguished 34-year career in the Air Force, culminating with his positions over the last 4 years as Commander, U.S. Air Forces in Europe, and Commander, Air Force Materiel Command. If confirmed, General Martin would be the first Air Force general to serve as Commander of the United States Pacific Command.

I look forward all of their testimony and, again, thank them.

Chairman WARNER. Thank you, Senator Levin.

At this time, I will propound certain questions that we put forward at each hearing of this committee to nominees. Then I will recognize any Senator who wishes to make some opening statements.

First, to each of you, have you adhered to applicable laws and regulations governing conflicts of interest?

Dr. HARVEY?

Dr. HARVEY. Yes.

Chairman WARNER. General Martin?

General MARTIN. Yes, Mr. Chairman.

Chairman WARNER. Mr. Greco?

Mr. GRECO. Yes, sir.

Chairman WARNER. Have you assumed any duties or undertaken any actions which appear to presume the outcome of this confirmation process?

Dr. HARVEY. No, sir.

General MARTIN. No, Mr. Chairman.

Mr. GRECO. No, sir.

Chairman WARNER. If confirmed, will each of you ensure that your staffs comply with the deadlines established for requested communications, including questions for the record on the hearings?

Dr. HARVEY. Yes, sir.

General MARTIN. Yes, Mr. Chairman.

Mr. GRECO. Yes, sir.

Chairman WARNER. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Dr. HARVEY. Yes, Mr. Chairman.

General MARTIN. Yes, Mr. Chairman.

Mr. GRECO. Yes, sir.

Chairman WARNER. Will those witnesses be protected from any reprisal for their testimony or briefings?

Dr. HARVEY. Yes, Mr. Chairman.

General MARTIN. Yes, Mr. Chairman.

Mr. GRECO. Yes, sir.

Chairman WARNER. Do you agree, if confirmed, to appear and testify, upon request, before this committee?

Dr. HARVEY. Yes, sir.

General MARTIN. Yes, sir.

Mr. GRECO. Yes, sir.

Chairman WARNER. Do you agree to give your personal views when asked before this committee to do so, even if those views differ from the administration that you're serving?

Dr. HARVEY. Mr. Chairman, as a political appointee I consider it my duty to be an advocate for the policies of the administration; however, I will always provide to the committee my best professional judgement, when asked.

Chairman WARNER. Your personal views?

Dr. HARVEY. Yes, sir.

Chairman WARNER. I thank you.

General?

General MARTIN. Yes, Mr. Chairman.

Mr. GRECO. Yes, Mr. Chairman.

Chairman WARNER. Will you agree to provide documents, including copies of electronic forms of communication, in a timely manner, when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good-faith delay or denial in providing such documents?

Dr. HARVEY. Yes, sir, to the best of my ability, I will conform with that.

General MARTIN. Yes, Mr. Chairman.

Mr. GRECO. Also to the best of my ability.

Chairman WARNER. Colleagues, I invite you to make such opening statements as you wish.

Senator McCain.

Senator MCCAIN. Mr. Chairman, I think we have a situation here regarding General Martin that I would like to briefly review.

First of all, I would like to review the extent to which the Air Force has assisted us in this committee and me, as chairman of the Commerce Committee, in discharging its oversight responsibilities in the tanker lease investigation. In response to repeated requests by Congress for tanker-related records, the Air Force stonewalled for months. Ultimately, it decided to cooperate only in response to the threat of subpoenas and a continuing hold on all Department of Defense (DOD) civilian nominations and my negotiations with the White House counsel, Judge Alberto Gonzales.

After the Air Force produced a modest amount of documents, a handful of nominations were released as a measure of good faith. In response, the DOD shut off the spigot, producing no documents through the entire summer recess period.

In response to a request by Senate Armed Services Committee staff for tanker-related records, the Air Force produced them only after doctoring them in a manner most favorable to the Air Force position on tankers. A key e-mail between Secretary Roche and a senior Office of Management and Budget (OMB) staff that was otherwise responsive to our request, was improperly withheld because it was deemed to be a joke. That joke, in their view, has now been sent over to the Justice Department. Most recently, after the Air Force jammed us up to fit in your nomination, General Martin's nominating hearing, we got the word from the DOD Inspector General last night, and I would like to quote from it, Mr. Chairman.

This is a letter that was sent to you yesterday. It says, from the Department of Defense Inspector General—"We received, this afternoon, a CD with additional e-mails of General Martin which the Air Force had considered 'nonresponsive' and had not originally provided to us. We're expecting the Air Force to provide another CD with additional e-mails tomorrow"—meaning today. "The CD we received today is approximately 90 e-mails, which we're reviewing and sorting in accordance with Secretary Rumsfeld's letter to you. We will provide these documents to the committee tomorrow. In addition, we are currently assessing the process used to search for documents sent to and from General Martin relating to acquiring a commercial derivative aerial refueling tanker. We conducted interviews with staff involved in retrieving the documents on October 4 and 5, 2004. We were told that on August 23, 2004, the local hard drive of General Martin's computer was searched for e-mails and electronic documents containing one of seven key words related to the KC-767 tanker program. The search procedures followed guidelines established and distributed by the Air Force administrative assistants. However, upon conducting the review there was no attempt to retrieve any previously deleted items. As such, only items that existed on the hard drive on that date were searched, identified, and submitted. In addition, we could not ascertain whether classified system and General Martin's personal files were also reviewed for responsive e-mails and electronic hard-copy documents. Our review of the sufficiency of the procedures used to conduct this search is still ongoing."

Mr. Chairman, what this means is, we haven't received General Martin's e-mails, and we tried to get them as a priority due to the urgency of this nomination. We have not obtained them. Obviously, there is something going on about nonresponsive e-mails. Now, if this has any relationship to previous nonresponsive e-mails which had to be sent over to the Justice Department, then we have a serious issue that needs to be resolved before, I believe, this committee could move forward with General Martin's nomination, much less for consideration on the floor of the Senate.

Mr. Chairman, I try to not get too emotional about this situation, but in my 22 years in Congress, it is the most frustrating thing that I've ever encountered.

Now, you have to also put this in the context of a guilty plea by a former employee of the United States Air Force who said in her guilty plea that not only did she act improperly and illegally on the Boeing tanker deal, but on four other contracts as a "going away gift" for Boeing.

Now, the question then leads us—and the reason I believe we're going to have to have hearings—how could she do all of this by herself? How could one civilian employee be responsible for ripping off the American taxpayer by perhaps billions? It would have been \$5.7 billion if we had let the tanker deal go through.

So this is larger than Ms. Druyan. It's larger than General Martin, and it is an absolute obligation of this committee to get to the bottom of what apparently, at least in Ms. Druyan's guilty plea, was the rigging of contracts to the detriment of the taxpayer and to the financial benefit, enormously, of the Boeing Corporation. So this is really a very serious situation, and I think we have to find

out, "How did this happen? How did one person—aren't there procedures in the United States Air Force that would somehow have this kind of procedure not be possible?" Instead, we have to have a guilty plea by a former employee in Federal court to bring to the attention that at least four other contracts were improperly consummated in order to have a "going away present," in her words, for Boeing Aircraft Company.

So, Mr. Chairman, I hope that we can get the remaining e-mails. Actually, I don't know if we ever will or not, because the Air Force has been incredible in their unresponsiveness. But General Martin was involved in this. I've already seen e-mails of his involvement of it. We have a lot of questions for him, as well as other members of the United States Air Force.

I thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator.

If I might just say, we have worked together on this project for some time, and you've expended an enormous amount of your own senatorial time to this issue. What you have stated today are your concerns. I share those concerns. I brought this up with General Martin when we had our usual meeting, as I do with all nominees. I would like to ask now that he have an opportunity to respond to two points.

One, you've clearly said that you were, at one time, associated with the individual to whom the Senator referred, who pled guilty, and that you had a lot of working relationships during that period. We can go into some detail on that.

Second, upon learning of the problem with regard to the material that the Department of Defense is obligated to provide this committee in connection with the ongoing review that this committee has undertaken, you tried to facilitate, to the extent you had authority, the freest-possible and widest-possible flow of that information to the committee. So I think it would be appropriate at this time if he had just an opportunity to address those two points, and then we'll turn to other Members.

General MARTIN. Thank you, Mr. Chairman. Senator McCain, thank you for letting me appear before you to discuss, not only my nomination to be the Commander of the United States Pacific Command, but also an opportunity to air this issue that Senator McCain has brought forward.

First, I did, in fact, work with Ms. Darlene Druyan from 1998 until the very end of 1999, when I left Washington and went to Europe in January 2000, so for about a year and a half. I had some relationship with her when I was the Director of Operational Requirements prior to that for 2 years, in terms of council meetings and that sort of thing. But when I worked with her, when I was the Principal Deputy to the Assistant Secretary of the Air Force for Acquisition—at that time, the job was vacant—Secretary Whit Peters maintained the acquisition authority himself, and Ms. Druyan and myself were coequals in dealing with acquisition activities from space through sustainment and air-vehicle procurement.

Chairman WARNER. Let me interrupt you. I think it would be helpful to members of the committee and those following this to clarify—you pointed out to me that, at that time, you were a three-star lieutenant general.

General MARTIN. Correct.

Chairman WARNER. In the hierarchy of the civilian corps, she was coequal in rank to a lieutenant general, and with commensurate responsibilities.

General MARTIN. Correct.

If you would think of it as an airplane, Senator McCain, the Secretary of the Air Force, Mr. Peters, was the pilot; we were copilots working together for him and bringing forward acquisition activities.

The job that I had was principally oriented around ensuring that the acquisition programs were being developed in such a way that they would meet operational requirements. My job was to represent the uniformed military who would use those products. Ms. Druyan's, who was a contracting expert, primary function was acquisition management, and it was the determination of the appropriate contracting vehicles, incentive awards, and those sorts of things.

Ms. Druyan is a contracting professional. She had been in that job, I believe, since 1992. She is a very hard negotiator, tough-minded, and a strong leader. We met every morning, when we were both in town, at 6:30 a.m. to go through the major events that were going on and the different activities that might occur that day and what our positions would be.

I did not get into the business of determining which contract vehicle was better or more appropriate. I did not get into the business of understanding what kind of pressure she was applying, although occasionally I would see her dealing with contractors in a way that convinced me that she was after the best good of the Air Force and the American public.

Senator MCCAIN. Well, you must have been deceived, General Martin.

General MARTIN. Actually, Senator McCain, I can't speak as to where those last contract awards came and when she started them, but the "going away gifts" occurred after I had left. I left in December 1999.

Now, at that point—I must tell you, I'm not an expert in contracting—I saw nothing that she was doing that was inappropriate or in any way illegal. If I had, I would have—

Senator MCCAIN. We'll have time in the questions, Mr. Chairman, but I'm looking at e-mails that you wrote in 2003, General—

General MARTIN. Yes, sir.

Chairman WARNER. Excuse me, we don't need to get into more detail at this point in time because Senator McCain is going to remain here and have that opportunity during the question phase. But I want you to address the other question of the current problem of the flow of information from DOD to this committee and what you did to try and facilitate that flow.

General MARTIN. Mr. Chairman, I would be glad to give you any of my files through the normal processes through which we deliver them. I was never asked to provide any information to you or any other Member of Congress until the Deputy Secretary of Defense memo signed by Dr. Wolfowitz came out in late August and described in great detail the search methodology that would be used

for tier-one, tier-two, and tier-three players. I was a tier-two player, which means the procedures that would be used to develop my e-mail CD that would come to you were perhaps different than the tier-one or tier-three. To the best of my knowledge, the individuals who executed the electronic search did exactly as they had been asked to do. I played no role in that, other than to direct them to do exactly as the instructions had requested. I never saw the e-mails. I did not pay attention to what they did and did not do with respect to that, other than to get a certified statement back that they had completed the actions, as appropriate, and had turned those e-mails in before the end of August.

Chairman WARNER. We will return to this in the questioning.

Senator Akaka, would you like to make any opening comments?

Senator AKAKA. Mr. Chairman, may I at this time say I'm glad to be back with my friends on this committee, and also want to welcome our witnesses to this hearing.

Thank you.

Chairman WARNER. Thank you very much.

Senator Inhofe?

Senator INHOFE. No, thank you.

Chairman WARNER. Senator Allard?

Senator ALLARD. Mr. Chairman, I have a brief statement I would like to insert in the record with my comments.

Chairman WARNER. We would welcome that opportunity.

[The prepared statement of Senator Allard follows:]

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

Thank you, Mr. Chairman. I am pleased to welcome our distinguished nominees here today. I also appreciate the chairman's willingness to hold a hearing for these nominees, particularly given the activity on the Senate floor and the ongoing Senate-House conference on the defense authorization bill. I hope the nominees recognize and appreciate the extraordinary effort the chairman expended in order to hold this hearing before the Senate adjourned at the end of the week.

Our Nation remains locked in a difficult struggle against terrorists with a global reach. Terror does not end at our country's borders. Nor it is a problem for one military Service. I recognize that each of our nominees here today have significant different backgrounds, experiences, and duties. Yet, each of you should be aware that your efforts in the service of our Nation are not insignificant. We need each and every nominee to understand that we need a joint military force capable of protecting the American people and taking the fight to the terrorists. Serving our country at this point of time will not be easy. Demands on your time and the sacrifices you will need to make may be significant. Yet I hope that you recognize the value of your service to our Nation. We cannot remain a free nation without those like you who are willing to step forward and commit to defending our Nation.

Thank you again for appearing before this committee. I look forward to discussing several policy issues with the witnesses during our question and answer period.

Chairman WARNER. Senator Sessions?

Senator SESSIONS. No, thank you, Mr. Chairman.

Chairman WARNER. Thank you.

Senator Talent?

Senator TALENT. No statement. Thank you.

Chairman WARNER. Senator Reed, do you have any opening comments?

Senator REED. I will forego those comments. Thank you, Mr. Chairman.

Chairman WARNER. I thank you.

Senator Pryor?

Senator PRYOR. No, thank you very much.

Chairman WARNER. We will now proceed to receive such opening remarks as you may wish to make.

Dr. Harvey.

STATEMENT OF DR. FRANCIS J. HARVEY, TO BE SECRETARY OF THE ARMY

Dr. HARVEY. Thank you, Mr. Chairman, Senator Levin, and other distinguished members of the committee.

I'm very honored to appear before you this morning as the President's nominee to serve as the Secretary of the Army. I would like to thank the President and Secretary Rumsfeld for their support and confidence by selecting me for this position. If confirmed, I look forward to the opportunity to serve my country at a time when our security environment is markedly different and perhaps more complex than at any other time in our Nation's history.

To ensure our country's national security in this complex environment, it is essential that the Army continues to successfully carry out its mission of providing the necessary forces and capabilities to the combatant commanders in support of the National security and defense strategies. These forces must be totally capable of conducting the full range of required military operations. In the near term, that means the Army must meet its fundamental obligations of recruiting, organizing, training, equipping, sustaining, and developing leaders for the current force.

As these responsibilities are carried out in the near term, the Army must also develop a future force that is better able to meet the challenges of this dangerous security environment by implementing a key element of defense strategy, and that is transforming the way it fights and the way it does business.

I believe that the Army has made significant progress over the last few years on force transformation. A successful transformation in the way the Army does business is also essential because it will free up financial resources which can then be applied to the warfighters.

If confirmed, I will intensely and energetically focus myself and the senior leadership of the Army on achieving success in all these areas. Rest assured that regardless of what I'm focusing on, one of my top priorities that will be overarching and enduring is the well-being of the soldier and his family.

Let me close by stating that, if confirmed, I look forward to working with you, Mr. Chairman, and the rest of the members of the committee, as well as the dedicated and proud men and women of the Army, to meet the challenges of the dangerous and uncertain world in which we live.

Thank you.

Chairman WARNER. Thank you very much.

General Martin.

STATEMENT OF GEN. GREGORY S. MARTIN, USAF, FOR RE-APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES PACIFIC COMMAND

General MARTIN. Thank you, Mr. Chairman, Senator Levin, and other distinguished Members of the Senate Armed Services Com-

mittee. Thank you for this opportunity and the honor to appear before you today.

Let me also thank each of you for the outstanding support to our men and women in the Armed Forces. I can't tell you how important it is and what it means to each and every one of us to have your strong support behind us every day.

As you can imagine, I'm deeply honored to have been selected by the Secretary of Defense and nominated by the President of the United States to serve as the Commander of the United States Pacific Command. I am mindful of the tremendous responsibilities inherent in this nomination. But as I have progressed through my career, and due to the leadership and the foresight of the bosses that I have worked for, I believe I have been exposed to a wide variety of duties and operations, staff, and combined organizations throughout the world, and that those opportunities have prepared me for this critical responsibility.

I have studied Admiral Fargo's agenda and his priorities for the United States Pacific Command very carefully, and I believe them to be correct. If confirmed, I will do my best to ensure the command continues to pursue those objectives in a way that will enhance American security and the stability of the Pacific region.

Again, I am honored to be here, Mr. Chairman, and I look forward to your questions.

Chairman WARNER. Thank you very much, General.

Mr. Greco.

STATEMENT OF RICHARD GRECO, JR., TO BE ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL MANAGEMENT

Mr. GRECO. Thank you, Mr. Chairman, Senator Levin, and honorable Senators. I'm deeply honored to be here seeking confirmation as the Assistant Secretary of the Navy for Financial Management and Comptroller.

I would like to thank President Bush for this nomination, and Secretary Rumsfeld and Secretary England for their support and confidence in me.

I would also like to thank Senator Brownback for the time he made in being here this morning and for his gracious and very generous introduction.

I would like to thank the Senate Armed Services Committee for your time in conducting this hearing, as well as all those who have guided me through the interview and confirmation process.

Mr. Chairman, if confirmed, I would commit myself to addressing what I believe is the key issue in financial management at the Department of the Navy; namely, the provision of consistent, accurate, reliable, and timely information to decisionmakers at all levels of the Navy and the development of financial management systems that are capable of producing this information.

Mr. Chairman and honorable Senators, if confirmed, I pledge to you a commitment to excellence and performance in my job, guided by the highest standards of professional and personal conduct, and to working together with you to support the men, women, and families who serve in the United States Navy and Marine Corps, and, together, to exceed our objectives.

Thank you.

Chairman WARNER. Thank you very much.

We'll now proceed to 6 minutes for each Senator.

Dr. Harvey, I would like to open my questioning with you. But advising all three nominees that in the course of the response to Senators' questions and other ideas you may have, the record will remain open through midday tomorrow for the purposes of receiving such supplementary material or responses as you may wish to make in writing. The committee often has the benefit of receiving those views after you've had further time to reflect on the questions and to make such additional research as you wish.

Dr. Harvey, my question is more in the nature of an observation, and I want to have in mind the procedures you hope to adopt to enable you to get a complete understanding of the enormity of the task that you will assume, if confirmed. Clearly, as I go through your record of achievement in the private sector, the issues of transformation, the issues of financial management, contracting, and the management side, you're fully qualified, and I'm certain that you will be able to quickly gain the grasp of that. As a matter of fact, as I look at your dossier, it parallels that of a wonderful man, David Packard, who joined the Department of Defense in the late 1960s and through the 1970s, and I recall how quickly he was able to, in a masterful way, understand the problems, the complexities, and the vulnerabilities of the procurement system and the management system. So on that side, I am confident. It's the human side of this magnificent Army that only time will enable you to gain an understanding of.

In our discussions prior to this hearing, you indicated to me that, if confirmed, you would try, at the earliest possible date, to make a trip to some of the bases overseas—most notably, Iraq and Afghanistan—and I think South Korea should be on your itinerary as soon as you can do so—to see for yourself what the uniformed side of your department is undertaking to carry out their missions, the sacrifices they're making, and the stress that is put on their families. You've assured me you're going to undertake that.

Second, with respect to the future size of the Army, this committee has expressed its views legislatively. I am hopeful, as I say to the members of the committee, that we can soon complete a package for you to examine prior to submitting it to the Senate, and in that is our means to address the pressures of end strength on the Army. I think it is no secret that we are going to increase the pay and benefits, the healthcare programs, all of which this committee very conscientiously and carefully has addressed and reviewed. But the Army is dependent on that, and we're concerned, as I say, about the recruiting, the ability of the future Army—and that future begins tomorrow—to attract the needed numbers of young men and women to fill not only the active ranks, but, equally important, the Reserve, and that includes the National Guard. Some of those figures are beginning to take a turn,—and members of this committee have dealt with them for years—we might say, on a downward trend, and that sends a signal that there could be a problem looming. Those trends can't be turned around in 30 days, 60 days, or 90 days. They have to be predicated upon the long-range planning and putting in place of the inducements to attract those young men and women for the All-Volunteer Force.

I mentioned "All-Volunteer Force," because, for reasons which are very perplexing, there's a dialogue going on in this country about a draft. I can tell you forthrightly that this Congress is not going to enact legislation for a draft, because the causes for it are not before the country. Second, the All-Volunteer Force, as you will soon determine, to the extent you've not been able to do so to date, is working, and working well, and has worked magnificently since its inception, which was in the middle 1970s.

So those are the points that I wish to make. Just acquaint the members of the committee with how you intend to go about looking at that other half of this magnificent Army.

Dr. HARVEY. Senator, let me say that I agree with all the points you're making there, and I'm generally aware of the challenges that we have in that regard. Perhaps I can start out to answer that question by sharing with you my management philosophy, which has developed over several years and which really is a summation of what I consider to be a lessons-learned coupled with my values and beliefs. It starts out that people are the single most important part of any organization, and that goes double for the Army. But every organization that I have led, managed, and changed has involved people. We've talked about transformation, we've talked about all those things, but people make it happen. So I think my record would say that I'm a very people-oriented person.

Other elements of that philosophy are: ultimately, the only thing that counts are results. Change and improvement of all aspects of the organization should be going on all the time. I'd like to think that I'm effective at building a team which is based on trust and teamwork. Effective leaders are key to the future and to the present of any organization. At the end of the day, the only thing that counts, really, is a good, positive, can-do attitude.

So those are the framework from which I would look and start the process of leading and managing the Army.

Now, in terms of the problems, in terms of pay and recruiting, over the years I've taken what I call a dual approach to problems. The dual approach goes something like this. If you have a problem or an opportunity, you appoint a task force to try to fix as much as can be fixed in the near term so that you don't wait around for some elegant long-term solution. Coupled with that, you initiate a long-term initiative that attacks the root causes, in terms of organizational changes, processes, systems, and so forth. So I've taken that dual approach on problems. For example, if there is a recruiting and retention problem, we would do exactly that.

I was pleased to read this morning, however, at least for the active and Reserve, that the goals of this year in recruiting and retention were met. But from my own corporate experience, I know darn well that that's an area that you have to look at all the time. Success in the past doesn't guarantee success in the future. So those will be among my several things I look at.

Chairman WARNER. I'm going to have to ask that you can provide further for the record. We have 6 minutes.

[The information referred to follows:]

What I do is, I plan—, if confirmed, to put people first. Caring for soldiers and their families is paramount to our continued success. I would address the near-term needs of the Army, but also focus on the long-term initiatives that attack and re-

solve the root causes of our organizational challenges. Finally, all of this would be energized with a team-building and result-oriented approach for this magnificent Army.

Chairman WARNER. Now, quickly, General Martin, as one looks out over your area of responsibility (AOR), if confirmed, you'd see immediately the problems associated in the Korean Peninsula. I think the correct decision has been made to draw down some of our land forces there, because that figure of land forces has been constant for many years and does not reflect the advancements in technology and other means by which we can put together a solid front to the North Koreans of deterrence against any form of aggression they might wish to initiate. Therefore, those numbers, in this Senator's view, can be drawn down. The tensions on that peninsula are going to be your first priority, I believe, every morning you arise.

Then you have the stresses that continue between Taiwan and China. Whether it's one China or two Chinas, and the buildup in China now of the weaponry. It's awesome what they're achieving. They're rapidly moving to have, I think, the second-largest navy in the world, if they haven't achieved that already. Their technology is finding its way into high-performance aircraft, into missiles, and all types of armaments. We have a balance to maintain. The commitments that this Nation has made to Taiwan have to be reviewed by you on a regular basis.

So, having said that, I am confident, given the credentials and the experience that you've had, that you are competent to take on that task, and I hope to be able to support your nomination, but I will have to withhold that until the completion of the work by the committee.

Mr. Greco, I've had some familiarity with the Department of the Navy. My first advice to you would be to go back and find some of your predecessors who are in other ventures of life now, because there's been a very long line of distinguished individuals who have been the Assistant Secretary for Financial Management. While I'm sure you can go over and figure out what's going on pretty quickly, given your background, I do urge you to supplement your knowledge through personal meetings with that fine group of individuals who preceded you in that post. I think you will do well.

Mr. GRECO. Thank you, Mr. Chairman. I will.

Chairman WARNER. Senator Levin.

Senator LEVIN. I would yield to Senator Reed, who has to leave.

Senator REED. Thank you very much, Mr. Chairman, and thank you, Senator Levin.

Dr. Harvey, let me first state the obvious. You are an extraordinarily competent individual with a distinguished career, but the question today is not what you've done, which is admirable, and, indeed, in some respects, remarkable; it's what you will do as Secretary of the Army. This should come as no surprise to you. Do you support a permanent legislative increase of at least 20,000 to 40,000 soldiers in the active duty end strength, and putting the cost of that increase in the Army's budget by taking funds from outside the Army to pay for it? Which is the only way, from my perspective, the Army can maintain itself over the next several years.

Dr. HARVEY. Senator Reed, I'm not, at this time, fully briefed and familiar with and knowledgeable about all of the elements of the end strength issue. For sure, if I'm confirmed, I and the rest of the Army leadership have the responsibility to provide fully capable forces to the combatant commanders. I'm certainly aware of that obligation. This obligation, of course, is to the soldier and to the country.

Now, what I do know is that both the Secretary of Defense and the Army are for an increase in end strength. To the best of my understanding, the President has authorized a 30,000 increase in the number of troops, on a temporary basis. I'm also familiar with the Army's position that they want, at this time at least, for this increase to be temporary, because they have a number of initiatives in work to increase the combat power, which would then preclude the Army from making these positions permanent.

Now, I haven't reached a final conclusion on any of this. I can tell you, from my own personal background and experience in a corporation, that when I'm faced—and I know the analogy isn't perfect here—but when I'm faced with a situation where there's a rapid growth of the organization, my first approach is to hire temporary people and then see if I can sustain it, and only then make them permanent employees. The reason you do that is because you don't want to lay off people, and you want to ensure that the need is there.

So let me say that if I am confirmed, I know this is a very important issue, and I'm going to take a very objective look at that, and I'm going to take a look at these Army initiatives. I'm going to see whether they're viable, whether they pass the test of viability. If they don't, I will reach conclusions and make recommendations accordingly. But I just don't think I'm totally up to speed to make a final decision, but I'm open at this time to—

Senator REED. Well, Dr. Harvey, I respect that, but we've heard that for years now. General Schoomacher was going to look at this, and the Secretary of Defense has been looking at this. The answer, I think, should be obvious. I would have hoped in the interim, between our meeting and today, that you would have made yourself more aware of the specifics so you could give an answer rather than essentially a conceptual approach to the problem. I'm disappointed in the answer.

Are you aware of the Defense Advisory Board's findings about the need for additional troops despite the changes the Army has taken in modularity and the temporary expedients?

Dr. HARVEY. I've not had the opportunity to read that report. I don't believe it's out yet. I would plan on reading that for sure.

Senator REED. Similarly, with respect to the equipment of the Army, the Army sustained \$2.439 billion equipment battle losses in Iraq and Afghanistan. It has an unfunded requirement of \$1.3 billion for munitions. Last year, the Army spent \$4 billion on equipment reconstitution, and next year we'll need much more. This is not, I think, the way to do it, through emergency provisions. Would you support a recapitalization funding that is in the regular budget so the Army can fix its equipment?

Dr. HARVEY. Again, Senator, I know these are important issues, and, if confirmed, I will immediately address those and see wheth-

er that is feasible in the context of the Army plan and the Army budget. But, again, I think at this time I'm just not familiar enough with all the details to make that call. But I will address that carefully and look at it carefully, and use my judgment, and come to conclusions, and make recommendations, and proceed accordingly.

Senator REED. Let me raise a final point, Dr. Harvey. We are all aware that General Shinseki, was asked to give his opinion as a professional officer; he didn't volunteer it. He was asked at this committee. He made the point that we would need more than 100,000 troops in Iraq at least. Not only was he honest, but he turned out to be right. He was treated very poorly by the Department of Defense, by high officials there. I think it sent a chilling effect to the military that if you stand up and say, in response to an honest question from this committee or any other committee, there's a penalty if you tell the truth. I think that is very destructive, corrosive. What are you going to do to protect the officers, the men and women of the United States Army, who, when called upon to give their professional judgment, they're marginalized and shunned and made to feel that they've done something wrong? How are you going to protect those individuals?

Dr. HARVEY. Senator, I think I mentioned, in response to Senator Warner's question, that one of the tenets of my management philosophy is trust, teamwork, and openness. I think my track record speaks for that. I have never stifled input from any of my subordinates. I have a lot of respect for the military. I have a lot of respect for people. I welcome their comments. I would never stifle any honest input. I would appreciate that input, and I would integrate that into the overall decisionmaking process and then proceed accordingly. So I don't think I'm going to have any problem with an honest input from any of my subordinates. I would respect that.

Senator REED. Thank you, Dr. Harvey.

Mr. Chairman, if I could make just one final point. Secretary White was fired in April 2003. It is now October 2004. For 17 months we have not had a Secretary of the Army, so this is obviously not—

Chairman WARNER. Not had a secretary that's been confirmed. We've had a darn good acting secretary.

Senator REED. I agree. But the White House has felt that this is not such an important job that they would send somebody up to be confirmed. Now in the last week of our session, this appointment is before us. I think that bespeaks the lack of urgency, at least with respect to the Department of Defense, to have a confirmed permanent Secretary of the Army. So I wonder why we're rushing.

Chairman WARNER. Well, it is the President's prerogative to nominate. Dr. Harvey had been nominated for a previous post in the Department of Defense. That was awaiting floor action. He then offered to serve in this post, at the request of the Secretary and the President, and his papers arrived here—I'll put the dates in—I think it is September 12, completed financials and so forth September 27. As chairman, I feel we must be responsive to the constitutional prerogative of the President.

[The information referred to follows:]

Dr. Harvey's nomination was received by the Senate on September 15, 2004, and immediately referred to the Armed Services Committee. His answers to the committee questionnaire and financial forms were received in committee on September 28, 2004. Dr. Harvey's answers to the committee's pre-hearing policy questions were received on October 5, 2004.

I would like to make one comment. I'm going to have to go to the floor now, as a member of the Intelligence Committee and also because of the tremendous importance of intelligence to the Department of Defense and the role of this committee, I have to get down and work on some amendments. My colleague, Senator Levin, has been a very helpful and supporting partner on that. But time and time again, Senator Reed, you have the right, of course, to bring up General Shinseki's observation. Let me give you a few concerns I have with that.

I was present that day when he was asked, at the end of a long hearing, the question about his professional views on which I'm not going to comment. He was—and still remains—a very distinguished and courageous officer. You know about his personal disabilities, which he accepted and continued in active service. I think it was a wise decision to have given him the opportunity to be the Chief of Staff of the Army. But when asked that question—and I've studied his transcript, I remember his struggle with trying to provide the answer—I have not been able to find, to date, any record that the estimates of size that he provided were ever considered within the staff of the Army, were ever considered within the staff or by the Joint Chiefs. I hope someday we can determine the extent to which his views were shared within the Department of Defense, the Department of the Army, indeed, most significantly, by the Joint Chiefs, as to his concern about those figures.

If the Senator could ever provide that information, I would be delighted to read it, study it, and carefully give my own views on that.

Senator REED. Mr. Chairman, I think that would be an admirable inquiry, and that is something this committee could do, and I would encourage you to do it.

Chairman WARNER. I thank the Senator very much.

Thank you. Senator McCain, I would ask you to chair the committee.

Senator MCCAIN [presiding]. Senator Inhofe.

Senator INHOFE. Thank you very much.

First of all, I've had a chance to know General Martin and talk to him in different capacities, but I haven't had a chance to meet the other two. However, we have common friends. I was pleased that Pete Geren, Mr. Greco, is a good friend of yours, and he speaks very highly of you. Of course, I've known John Hague, Dr. Harvey, for many years. I am looking forward to working with all of you.

I guess the obvious question I would ask you, Dr. Harvey, is here we are in the midst of a war, fighting with an Army that was downsized after the Cold War. I can remember, even less than about 12 years ago, hearing testimony before this committee—it might have been when I was in the House Armed Services Committee—that 10 years from now there wouldn't be the need for ground forces. All these things are changing. I agree with Senator Reed, in talking about the numbers. I'm concerned particularly about the

Reserve component. With the base realignment and closure (BRAC) round coming up and the future combat system (FCS), my question is, why in the world would you want to do this at this time? But, I won't ask that question.

I am also concerned about the modernization program. It is long overdue. I've been following the FCS very closely, and all of its components, and wonder if you had any thoughts about that, if you had given some thought to the modernization program, with a specific emphasis on the FCS.

Dr. HARVEY. Yes, Senator. I think you nailed the number-one challenge that we have in the Army, and that is to transform while we're at war. From my own background, I'm, in theory, comfortable with a challenge like this, because, as you probably know, in business the challenge is to meet your short-term objectives and, at the same time, provide for the long term. Because if you don't meet your short term, there is no long term; but if you're not providing for the long term in the short term, there won't be any long term either.

So I think the FCS program is a very important transformational program. I'm generally familiar with it, though I certainly don't know any of the details right now.

I was pleased to see that the Chief of Staff of the Army had somewhat restructured the program, trying to accelerate certain capabilities into the current force, and, at the same time, take enough time and effort to ensure that you are successful in the long term.

So I think that's an excellent approach. It's an approach I'm comfortable with. You're superimposing transformational efforts on meeting your short-term objectives, and I really think that is a sound approach that the Army is taking right now, providing for both. That is the challenge, and we have to balance it. I look forward to meeting that challenge.

Senator INHOFE. Good. You're probably familiar that Senator Akaka and I, having both been veterans of the United States Army, started the Army Caucus to try to focus a little bit more attention on the mission and what is out there. My personal feeling is that the Army is not adequately funded to take on its task. I would ask you, when you get in, to look at that from a macro sense to see if it's something maybe we should look at, because I believe that's a real serious problem.

Mr. Greco, I was fascinated with your 4-year-old, 3-year-old, 2-year-old, and 1-year-old. I can tell you that 40 years ago my wife and I had the same situation. I can just tell you that it gets easier and it gets better. [Laughter.]

I understand you didn't say anything in your opening remarks about the Enterprise Resource Program. One of the things that I have found in government in general, and specifically in the military, is that there's a resistance to change. It's a very difficult thing to do. So I would like to have you tell us—you're proposing something that hopefully will make us more accountable and do a better job. How do you propose to do that?

Mr. GRECO. Sure, and I thank you very much. Whenever you have a system that has grown up, that has evolved over the course of decades, inevitably you have what are known as legacy prob-

lems. Certainly that is widely recognized. The whole Enterprise Architecture is designed to alleviate, resolve, and eventually replace the problems that are faced now in financial management, financial-control systems, and financial reporting. So when you are looking at an organization that has multiple components here—you have the four Services, as well as OSD—it's important to look at it from a top-down perspective. That is my understanding, though I'm not entirely familiar with the details of the Enterprise Architecture, that the Navy supports this kind of approach. If confirmed, I will certainly support the Navy's efforts in this area.

Senator INHOFE. Well, we look forward to assisting you in doing that, because, as I say, change is very difficult.

Mr. GRECO. It certainly is.

Senator INHOFE. General Martin, you're taking on a command, in terms of population and geography, which is the largest out there. I'm glad the chairman brought up some of the things that are happening in China right now. I was distressed, back in the late 1990s, when I saw a lot of the purchases that were going on in their conventional program, in terms of the Su vehicles and others. So I would just ask you the general question. Since this opportunity has emerged, that if something is keeping you up at night, what is it?

General MARTIN. Senator Inhofe, actually, on a day-to-day basis, as I thought about this position, there are three things that I'm most concerned about. Clearly, the Korean situation, which has a tendency to spike and ebb, is in a very delicate period now, I think, where the six-party talks about working over the nuclear issue, and we never quite know what the intent of the North Koreans will be. So I worry about that.

I'm very concerned about the incredible growth that we're observing with the Chinese modernization. We would hope that that is so that they can feel comfortable about setting their own destiny in that part of the world. But the fact is, those capabilities can never be ignored, and particularly given that just a few miles away is the island of Taiwan, which we are prepared to assist if they are attacked in an unprovoked manner.

Last, in the Southeast and Southwest Asia area, I'm very concerned about what we see, in terms of insurgents, in terms of terrorists—the transnational activities, which, on their own, are destructive, but then, in support of terrorism, can be very detrimental to the building of new democracies or countries that are trying to improve. I think it is important for us to maintain a strong partnership with those nations in the area so that there's never a unilateral approach that has to be taken, but, rather, a multinational coalition and activity that I think will engender long-term stability in that part of the world.

Any one of those three are dangerous and of concern to me.

Senator MCCAIN. Senator Pryor.

Senator PRYOR. I don't have any questions right now, thank you, Mr. Chairman.

Senator MCCAIN. General, Ms. Druyan testified, as part of her plea bargain, that not just the effort on the Boeing tankers, but also the North Atlantic Treaty Organization (NATO) airborne warning and control system (AWACS), the C-130J, which, by the way, the DOD Inspector General has already ascertained we may

have wasted a couple of billion dollars on those—we will be having a hearing on that—and the C-17 were “parting gifts” to ingratiate herself to her future employers, and later to “ensure employment” for her daughter and son-in-law. This is four major contracts. How is it, General Martin, that this is could happen? How is it possible that one person can wreak this kind of havoc? In the case of the tankers, it would have been \$5.7 billion additional, according to Government Accountability Office (GAO) and Congressional Research Service (CRS), and other experts. Two billion dollars have been wasted on the C-130Js. We’re talking about billions of dollars. How does that happen, General?

General MARTIN. Well, Senator McCain, I will tell you, when she made her plea bargain not only I was disappointed, but I was very surprised, first. Second, I think we have to realize that Ms. Druyan, as I mentioned, had been in that position since 1992.

Senator MCCAIN. So there’s no process that would act as a check or a balance, that she was able to orchestrate four major contracts so as to ingratiate herself to Boeing?

General MARTIN. Sir, as we went through the 1990s—and you may recall, not only did we go through a very serious restructuring of our forces in draw-down, but we also went through a major acquisition reform that took much of the oversight, took much of the checks and balances out. We became very closely aligned with the partners. We went into total system program management.

Senator MCCAIN. Is there something wrong?

General MARTIN. We may have gone too far in the pendulum swing.

Senator MCCAIN. May have? With this kind of scandal, we may have, General?

General MARTIN. Senator McCain, I’ve not been in that business. I’ve not reviewed all the complaints.

Senator MCCAIN. Well, you’re in the business of the tankers. I’ll quote you some of your e-mails here.

General MARTIN. All right, sir.

Senator MCCAIN. Are you aware of the Center for Naval Analysis finding, “Trends in KC-135 readiness and maintenance research requirements are reasonably steady, and that incursion has not been a major contributor”?

Are you aware of the CRS report, October 23, 2003, stating that “corrosion is not a problem”?

Are you aware of the Defense Science Board report, “The Task Force did find evidence on maintenance regime well poised to deal with the corrosion and other aging problems”?

Are you aware of all of these studies?

General MARTIN. I’m aware of two of those. I’m not aware of the second one you mentioned.

Senator MCCAIN. All of them said that corrosion was not a problem, right?

General MARTIN. Senator, in one context, that’s correct. I would also call your attention to the Defense Science Board Report that said the 61 KC-135Es that the United States Air Force planned to retire was a good decision that they concurred with.

Senator MCCAIN. Actually, we can argue about that, but there were a number of them that said that corrosion was not a problem.

General MARTIN. Sir, we had 176 tankers in backlog 4½ years ago, most of them for fatigue, obsolescence, and corrosion.

Senator MCCAIN. All of those rates have been dramatically improved, according to these studies.

General MARTIN. Yes, sir. We've had to hire on two contractors to make that work out. They have worked overtime. They brought the fleet back up to a 65 to 75 percent rate. But at what price? We are re-manufacturing many of the tankers because of serious fatigue, obsolescence, and corrosion. Corrosion is just one of the terms that we've used.

Senator MCCAIN. Well, you gave a speech on February 12, 2004, "But it doesn't have to—whatever it takes—40, 50-year old tankers need to move on. These haven't been modified in the new configuration. These are in the saddest shape. We see that when they come into depot with respect to corrosion and all of that. So it is time for us to understand that 40 to 50-year old aircraft"—that is in direct contradiction to the Defense Science Board, the Center for Naval Analysis, and every other objective study.

Now, you may say that it is, but they say that corrosion is not a problem, that it was a manageable problem. That is what objective observers say. If you want to say black is white, sir, you can. But I will quote again, "The task force did find evidence of a maintenance regime well poised to deal with corrosion and other aging problems." That is the bottom line, General, while you are alleging otherwise. I'll be glad to hear your response.

General MARTIN. Mr. Senator, those comments were made at the Air Force Association before Mr. Wynne asked for the analysis of alternatives to review the potential of re-manufacturing and re-engining the KC-135Es. On that day, I was talking about the KC-135Es. At that time, we had about 138. They had not been modified to the KC-135R configuration. They had not been modified with new engines and the other 25 modifications, to include avionics, wiring, other stiffeners, and stress-point repairs. So those aircraft, yes, they could be brought in, re-manufactured, re-engined, and they had some use to them, but they would still be 44- to 45-year-old aircraft.

Senator MCCAIN. "The task force did find evidence of a maintenance regime well poised to deal with corrosion"—

General MARTIN. That's corrosion, sir.

Senator MCCAIN.—"and other aging problems." All said, "Solutions are in hand to deal with the known problems with the fleet, including the KC-135 engine struts." So you have a different view, sir, than the Center for Naval Analysis, the Defense Science Board, and every other objective—

Let me get into one of your e-mails here. This is why I'm concerned about the "irrelevant" e-mails that just came to light. From General Handy to General Martin, Subject:—written June 24, 2004, McCain's statement on the tanker amendment, S. 2400. "Speedy, have you had a chance to read this information? I'm certain we need to link our staffs once again with the tanker team to come back with our bottom line on corrosion and cost, plus any other engine end data you might have in your hip pocket. I'm sure that we will both get calls for action. Please protect my source."

Your reply, General Martin, Subject: Hot McCain Statement, "John, I have not seen this yet. I will get our guys to work with yours. In the meantime, I just signed a memo with point paper to you on the 30 tankers that need to have work done before 1 October 2004. I will ask the guys to fax you a copy if you haven't seen it yet. This will be fun. Speedy."

What was fun?

General MARTIN. A casual comment to a colleague about a situation that was clearly becoming what I would consider to be controversial. "This will be fun," meaning nothing more than it looks like we have some work ahead of us. That's what I meant.

Senator MCCAIN. Well, General—

General MARTIN. Now, Senator McCain, if you look at my comments, is there anything in my comments there that indicate that I'm stonewalling or in any way supporting a position that is inappropriate? I will look into it—

Senator MCCAIN. It's inappropriate when it's the bottom line on corrosion and cost when there have been numerous studies that say that corrosion is not a problem.

General MARTIN. Sir, in this particular case, that was a corrosion issue. Those were the engine struts holding the engines onto the wing. The analysis that had been done in December 2002 said that those aircraft needed to be repaired or grounded by September 30.

Senator MCCAIN. The tanker amendment did not address the strut issue, General Martin. The tanker amendment was about a requirement for an analysis of alternatives and other requirements before we went through with this massive ripoff of the taxpayers.

General MARTIN. But, sir, the point is that the analysis by the engineers was that those aircraft should not fly if they do not have strut modifications, as all of the other aircraft had. General Handy and the Air Force Mobility Command of the United States Air Force decided, rather than to modify those aircraft 2 years ago, to retire them. Now the retirement date is coming up, but we have been prohibited from retiring them due to congressional language, so we either have to fix the struts or ground them.

Senator MCCAIN. You could have fixed them for \$400,000.

General MARTIN. Yes, sir, that's correct. However, sir, that would also then mean they would go into the programmed depot maintenance and the other modifications that were necessary to allow them to fly in the airspace as we know it. Overall, nearly \$1.5 million would be spent to keep those airplanes flying when the command decided that they were no longer necessary to be flying.

Senator MCCAIN. As opposed to a \$20-some-billion acquisition. Well, General, we will look forward to receiving the e-mails that you haven't given us. We will look forward to finding out why it is "fun" to talk about corrosion when there have been numerous studies that clearly state that it is not a problem. We will try to find out, as this committee, how in the world one individual can be responsible for four major contracts—four major contracts in the United States Air Force, involving billions of dollars—can get away with such a thing. There's something very badly wrong. I will tell you, one of the things we found out—it's a military industrial complex, General Martin. We found out that—from the Boeing e-mails and the incredible incestuous relationship between Boeing and the

United States Air Force, both civilian and military. I will strongly object to your nomination leaving this committee until we get all the e-mails and all the answers.

This is a national disgrace. If it hadn't of been for my chairmanship of the Commerce Committee and the ability to get the Boeing e-mails, as chairman of the Commerce Committee, we would have ripped off the taxpayers for \$5.7 billion. Not according to me, but according to the Government Accountability Office and the Congressional Research Service and others. We need to fix the system. We very badly need to fix the system where one individual was able to corrupt four major defense contracts all by herself. It is hard for me to believe.

General MARTIN. Mr. Senator, I would only ask this. Given the facts that you have, I would not disagree; however, I think you have to consider the source of those comments, and you have to look at the details of what she said and what she actually did.

Senator MCCAIN. Are you saying she didn't?

General MARTIN. I don't know.

Senator MCCAIN. She confessed to doing so, General.

General MARTIN. I'm sorry, sir. I don't understand how she made those comments and whether those are honest comments or not. I have no knowledge either way. But I'm here to tell you that my dealings with her—

Senator MCCAIN. General, now I'm questioning your qualifications for command. A person pleads guilty in Federal court to a crime that's going to send her to jail, and you question whether she was telling the truth?

General MARTIN. Yes, sir.

Senator MCCAIN. Senator Sessions.

Senator SESSIONS. Thank you, Senator McCain.

I thank you for raising this issue. A lot of times we're not dealing with criminal conduct or even terrible malfeasance. But sometimes things start developing in our agencies, bureaucracies, and Defense Departments that are not healthy. I believe, at some point, the Air Force made a decision they did not want to refurbish the KC-135s. I do believe Senator McCain is correct when he said that we have an absolute statement at various points that the KC-135s couldn't be refurbished because of corrosion. Now we find that that is not as big a deal as was said. So I have some concerns about it. I know the decision was made somewhere. It really started in Congress. Not in this committee. The appropriators put in this tanker-lease deal without any hearings that I know of in this committee to consider it. People fell in line to support that idea, and justifications started coming up. I'm not sure we thought it through correctly. It's about \$25 million, as I understand it, to refurbish a KC-135; \$200 million to buy a new one. It has some advantages, of buying a new one, but when you don't have enough money to do everything you need to do, maybe we need to consider an analysis of alternatives, which is out there, and we'll review it there.

General Martin, you're going to an area of the world that is very important for us. You, I believe, spent time in the Pacific, in Japan, and the Pacific Command through maybe 4 or 5 years. I would join with Senator Warner in saying I see no reason for us to have almost 40,000 troops in Japan when they have 650,000 South Korean

troops. This country is one of the most progressive countries in the world, South Korea, and they need to step up. We need not to have so many troops there. But it does require a command study and a great deal of thought and sophistication—don't you agree?—to develop a plan to ensure that we can respond adequately to any hostilities that may occur there or may occur in Taiwan. We ought not to be ambiguous one bit about South Korea. We should not be ambiguous one bit about Taiwan. Our principles are stated clearly there. We expect that you will help us develop a plan to respond immediately if there are situations that develop there that are unacceptable.

I guess my question is to ask you how important you think this mission is. Will you call Congress and ask for, and fight for, the things necessary for you to accomplish your mission? Because we want you to have that capability.

General MARTIN. Senator Sessions, first let me tell you I believe it's absolutely critical to the security of the Pacific region that the United States presence there be credible and that nations we support continue to progress and exist as the successful nations that we've seen, from Korea, Japan, the development that is going on in Southeast Asia area, in Singapore, and, of course, the work that we're doing in the Philippines.

With respect to Korea, I could not agree more that with the growing capabilities of the South Korean military forces and the improvements that we have made in our military capabilities, in terms of lethality, agility, flexibility, and mobility, that we should position them in such a way that they can be very responsive to not only a problem that would occur in Korea, but allow us to have the flexibility with some of those forces elsewhere to deal with another problem that may surface somewhere in that theater.

Senator SESSIONS. Briefly, just as a matter of command and control, in your position, what direct command and control do you have over the placement of the troops in South Korea?

General MARTIN. Sir, General LaPorte is responsible there for deterring the Koreans and then conducting that war. The Pacific Command is in a support role there. As the Commander of U.S. Forces Korea, he works for the Commander of U.S. Pacific Command, so the arrangements that are made will be made primarily from an operational perspective, a war-planning perspective, and then backed up by the U.S. Pacific Command in supporting that.

Senator SESSIONS. Are you in accord with the plan as it has been moved forward?

General MARTIN. Sir, I am not studied in the actual unit detail movement. I understand the general movements and the rationale, and agree with those. In my previous job in Europe, we were doing much the same in Europe, and we coordinated some of our thinking with the Pacific. So I'm somewhat aware of the rationale and thought, but the actual specific moves of units, I am not yet read into. That will be one of my first priorities, because, in the end, it will be most important, if I'm confirmed, to be responsive to General LaPorte in bringing the forces to bear that he needs to support that repositioning of the forces.

Senator SESSIONS. Well, I think that is well stated. You have to make sure that his plans, which I am confident are sound, are in

coordination with his ground, air, space, and sea forces, so that we have the capabilities. I absolutely do not believe a reduction in troops there signals any weakness or lack of commitment on our part on the Korean Peninsula, and I think that is important to state. I think it just makes good sense.

Dr. Harvey, thank you for your service. I know that you have an incredibly impressive background and have supervised as many as 40,000 people with Westinghouse, one of the world's great corporations. You have been chief operating officer (COO) of two high-tech information-technology companies. You bring an experience that can help us continue to modernize the Army and can help us evaluate that.

Mr. Greco, thank you for your service. I am extremely impressed with what the Navy is doing. You're joining a team that seems to have a real good ability to mix change with traditions of the Navy, and I think that is something of value.

My time is up, Mr. Chairman, but, Dr. Harvey, this Army is critical to our Nation's defense. You don't have a lot of personal experience with it, although you did have a period of time with former Secretary of Defense Harold Brown on his staff. But I do think that if you bring your knowledge and skills to bear, and if you pay attention to the individual soldiers, the Guard and Reserve in particular, with carefully chosen policy changes, we can make life in our military even more healthy and positive than it is today.

With respect to Guard units in my State, I met with the Guard and talked to them in depth for hours about this, and they tell me that troops back from Iraq are re-enlisting in record numbers. There are troop units that haven't gone to Iraq yet. Their numbers are a little tougher, but if they were given the right incentives packages, they could meet all of their recruitment and retention goals, they believe, and I think that is important.

Thank you, Senator Allard.

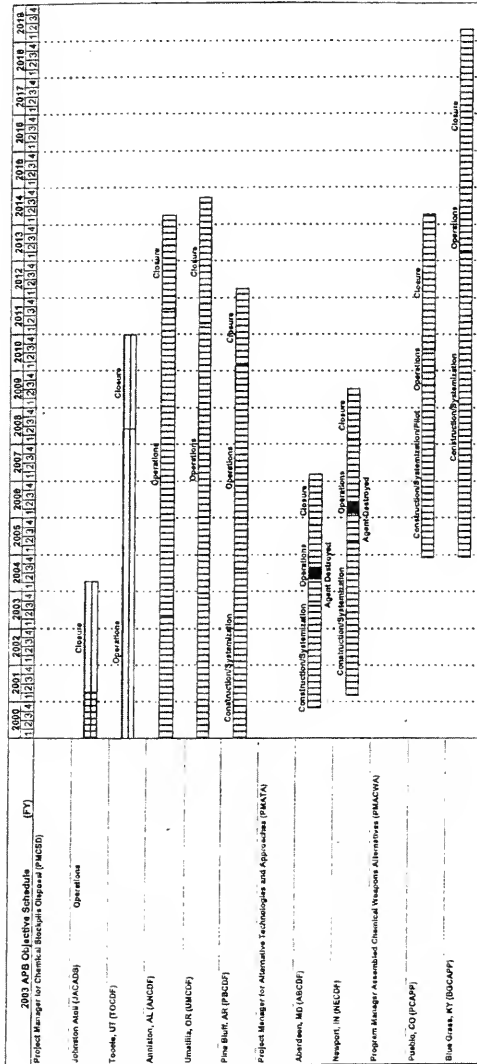
Senator ALLARD [presiding]. Thank you very much, Senator Sessions. I'm going to use my time, and then we have a vote coming up on the floor. I've been asked to adjourn the committee at that particular point in time. There will be some things I will handle in that process.

But, first of all, I have a question concerning the Chemical Weapons Convention Treaty for you, Dr. Harvey. I didn't vote for that provision. I thought it was ill-advised but, just the same, it has become the law of the land. The United States Army has been put in charge of implementing the chemical-weapons demilitarization at these facilities, so we can meet the requirements of that treaty.

That treaty requires that the chemical demilitarization occur by 2012. I have a chart here that has been put out by the Department of Defense that shows that we have five sites that, as the schedule was originally laid out, aren't going to meet the 2012 deadline.

[The information referred to follows:]

2003 Acquisition Program Baseline Objective Schedule As of April 29, 2003



Notes:

1. ANCDF Actual Start of Operations was August 9, 2003
2. UMCDF Start of Operations has been rescheduled for July 7, 2004
3. ABCDF Actual Start of Operations was April 23, 2003 – defined as agent training and destruction operations
4. PCAPP Actual Start of Construction Rescheduled for August 2004
5. BGCAPP POE with Schedule Risk

The site that's going to be most out of line is the Bluegrass, Kentucky site. Then we have a site in Alabama, and a site in Oregon. They're not far behind the Kentucky site. Then we have sites a little closer to 2012. The next one would be Pueblo, Colorado. We also have one in Pine Bluff, Arkansas. The other four sites are scheduled to get cleaned up. Now I've been told that the program is way behind schedule and that there are some serious cost-overflow issues. I'm concerned about this program. I would like to hear you respond to some of these concerns. What is it, as Secretary of the Army, that you feel you can do to get us on track so that we can comply with the treaty?

Dr. HARVEY. Yes, thank you, Senator. As you mentioned, this is a very important initiative and program, and I'm generally familiar with it. I'm not familiar with the details. I know progress has been made at certain sites, and there have been delays, cost overruns. But I don't really know the drivers.

In my background, I pride myself on my program-management abilities. I think, as I told you, I really learned to manage by being a program manager in Air Force and Navy programs, and so I'm kind of a cost, schedule, technical objectives—

Senator ALLARD. Let me interrupt you here. Where is the priority of the chemical demilitarization of these facilities? From your understanding and from that of your predecessors, do you think the priority was set high enough? I would like to have you respond to that.

Dr. HARVEY. At this time, I don't think I know that detail. I certainly know the sites, and I know the kind of sequence of awards. I know there has been a change in technology in the middle of this program.

So what I was about to say is, I commit to you that I will certainly get involved in the details, find out why we're behind schedule, why we have overrun, and ensure that we have the right program managers on the job. One of the measures, performance measures, that I will institute as the Secretary is on key acquisition programs in key programs like this. So I plan on regularly and frequently knowing what the progress by site is, in terms of schedule and meeting the technology and meeting the environment and meeting the overall program. By the way, I will know, in real time, what the performance is, and I will take actions accordingly. If we're going to get off schedule or over cost, the program manager will be in my office explaining why and what corrective action he's going to take and when it is going to get back on schedule and when it's going to be done. So while we will use all the program-management tools that I've experienced over the years, I don't know enough about the details to comment on the program at this time.

Senator ALLARD. I appreciate what you explained to me, and clearly what you outlined I expect you to do as Secretary of the Army. I do hope that you keep this committee informed, and you keep me informed, as to what's happening with this program. It is under the jurisdiction of this committee, and it is something that we need to be concerned about, whenever we run a possibility of overruns. I think the contractors have to be held accountable. I think that people within the Department of the Army have to be held accountable. I think we're headed for some problems here, and I would call those to your attention.

Dr. HARVEY. I think your remarks are very appropriate, and I have a responsibility to ensure that taxpayer dollars are spent wisely. Believe me, from my past, I hate overruns, and I hate to waste money, and I hate to be behind schedule.

Senator ALLARD. Well, I'm glad to hear that.

Dr. HARVEY. I will get involved in acquisition programs, including this one.

Senator ALLARD. This is a new technology, I will acknowledge that, and we have had to put money in some of the new technology

areas, but then it's been put into those sites where they were using the older technology because of cost overruns. So I think some really tough questions need to be asked in that regard.

The next question I have is for you, General Martin. I understand pulling back with our troops out of Korea. I agree with that, but I do think that there's going to be other programs and that there is emphasis on these programs that has to be added if we're going to maintain a strong defensive posture there. I think that missile defense is one of those programs. I would like to hear you talk a little bit about where you see missile defense playing a role and providing for the defense of this country, as far as the threat from North Korea is concerned, and what you see, as far as working with our allies in the Pacific on missile-defense issues. Also, how important do you think it might be to continue the development of a sea-based ballistic-missile defense as part of that.

I've lumped three questions I wanted to keep separate, because of lack of time, I feel I want to put these together and just let you talk a little bit about this for this committee, if you would, please.

General MARTIN. Yes, sir, Senator Allard.

First of all, clearly one of the more vexing problems we face is a nation that may not be nearly as powerful as we are, but with weapons of mass destruction and missile technology, the results can be catastrophic. It doesn't matter whether it's in theater or whether it be from a national perspective. So, first, as I think you know, we've been pursuing it at the best speed possible. Our theater missile defense systems, both within the Navy and in the Army—and, of course, Navy theater missile defense. At the same time, we've been pursuing national missile defense, and this month are in the process of having initial or limited operational capability so that the technology that we currently have and the systems we currently have, although we all know they've not been fully tested and connected to the standards that we have become used to in previous acquisition programs, offer us some capability today should something happen that we were unable to predict, and then we will spiral those developments and improvements.

The best I can tell—and I'm not an expert in the Pacific theater yet—but the best I can tell, it takes a very concerted and joint effort for us to be able to properly identify the launch, get its initial track and vector activity, and be able to deliver that to the fire control system and the interceptor in a way that will be successful. It requires either sea-based radar support in order to support the entire United States, along with ground-based missile defense.

In the end, however, because of the geometry of this situation, I think the partnerships that you alluded to become very important. I think finding those right allies for us to partner with for missile defense will not only benefit the United States, both from a national perspective and a theater perspective, but it will provide some sense of assurance to those partners and strong allies that they will have some sense of protection, as well, against the rogue or errant decision made by one of those people that has that kind of weapon at their control. I'm very strong on it, knowing that today the irrational behavior that we notice in terrorist activities, when matched with this technology, could cause catastrophic re-

sults, and we must defend the people of the United States and our allies as best we can against that.

Senator ALLARD. Well, thank you very much.

I wanted to talk a little bit with Dr. Harvey about the missile-defense programs you have under the Army. That's all in theater again. But we're not going to have time to get into that discussion. But I do want you to be aware that there certainly is an interest, and I think there's a decided benefit to these programs. I don't have any particular concerns about it. Just to make sure that you do recognize the importance, I think, of space and the high-technology system we have there. These are important to the fighting man in the field, or woman in the field, and on the field of battle. I hope you keep us informed as to how that particular program is going. Again, these are programs under my jurisdiction on the Strategic Subcommittee.

Dr. HARVEY. I will do so.

Senator ALLARD. Okay. I just have been asked by the staff to remind you that you have 1 day to get in and get your supplemental remarks in. I would just ask that you get those in today, if you would, please, if you want to supplement your testimony and have any additional remarks for this committee. That's a pretty tight schedule. But since we're on the closing days of this session, it is necessary for us to ask that from you, and I hope that you can make an earnest effort to comply with the request of the staff and the chairman of this committee.

[The information referred to follows:]

General MARTIN. In my last response, I may have either misspoken or caused a misunderstanding and would like to clarify the record. What I intended to communicate in the abbreviated discussion was that I believe we need to understand the full context of Ms. Druyun's admissions with respect to the acquisition-review process as it exists today.

During the period that I worked daily with Ms. Druyun, from July 1998 until December 1999, and during the subsequent period until her retirement in November 2002, where I conversed with her on a very infrequent basis, I never detected or believed her performance to be in any way illegal. As a result, when she admitted to providing "parting gifts" to the Boeing Corporation, I was extremely disappointed and very surprised. The acquisition processes changed significantly in the mid-1990s due to Goldwater-Nichols legislation along with comprehensive DOD-wide acquisition reform and Air Force acquisition lightening bolt initiatives. As a result of those efforts we have seen a significant flattening of the organization, reduced oversight, increased reliance on collaboration with industry, and streamlined reporting chains within the acquisition community. Nonetheless, I believe the acquisition decision-making process to be transparent and, therefore, it is inexplicable to me how Ms. Druyun could have provided the "parting gifts" she admitted to in her plea bargain without anyone's knowledge.

We don't have any more members present to ask questions. We have a vote on the floor. I want to thank each and every one of you for taking the time, for your past service to this country, and let you know that we all appreciate your dedication to try and make this a better country, a safer country, and a more secure country. I, for one, appreciate everything you do for us.

So, with that, I will go ahead and adjourn the committee. Thank you for your service.

[Whereupon, at 11:45 a.m., the committee adjourned.]

[Prepared questions submitted to Dr. Francis J. Harvey by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously have answered the committee's advance policy questions on the reforms brought about by the Goldwater-Nichols Act in connection with your nomination to be the Assistant Secretary of Defense for Networks and Information Integration.

Have your views on the importance, feasibility, and implementation of these reforms changed since you testified before the committee at your confirmation hearing on January 28, 2004?

Answer. No, my views on the importance of the reforms brought about by the Goldwater-Nichols Act have not changed. Goldwater-Nichols has significantly improved our joint operations and its goals have been irrefutably confirmed in the crucible of war. Specifically, the Goldwater-Nichols Act has significantly improved the organization of the Department of Defense, focused our joint warfighting capabilities, enhanced the military advice received by the Secretary of Defense and provided for a more efficient and effective use of defense resources for national security.

Question. Do you see the need for modifications to Goldwater-Nichols provisions based on any observation you have made to date? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. If confirmed, I will fully support the intent of the reforms and advocate legislative proposals and policies that will enhance the Department's ability to respond to the national security challenges of the 21st century. To that end, the Department will continue to examine ways to better support the goals of reform in light of our ever-changing environment.

DUTIES

Question. What is your understanding of the duties and functions of the Secretary of the Army?

Answer. The Secretary of the Army is subject to the authority, direction, and control of the Secretary of Defense. The position of the Secretary of the Army is outlined in title 10 USC, section 3013, which states that the Secretary is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army. The Secretary is also responsible for such activities as may be prescribed by law or by the President or Secretary of Defense. The Secretary of the Army may, after first informing the Secretary of Defense, make recommendations to Congress relating to the Department of Defense as he considers appropriate.

Question. Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. In accordance with title 10, USC, section 3013, I expect the Secretary of Defense will prescribe the following duties: ensure proper functioning and efficiency of the Department of the Army; formulate policies and programs that are consistent with national security objectives; effectively implement all decisions and instructions of the President or the Secretary of Defense; ensure the current and future operational requirements of the unified and specified combatant commands are met; and ensure that there is effective supervision and control of Department of the Army intelligence activities.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe I have three basic qualifications for the position of Secretary of the Army.

First, I know how to lead, manage, and change large organizations, particularly program based organizations involving people and the development and deployment of technology and systems. In the management area, I have had a great deal of experience in project management as well as success in streamlining organizational structures and improving business processes thereby transforming organizations into much more efficient and effective operations. At Westinghouse, I initiated and led comprehensive change and improvement initiatives at seven different organizations that resulted in significant operational improvements.

Second, I have a broad base of experience centered on the defense industry that has been multidimensional in terms of functions, industries and markets and has included both the commercial and government sectors. Although my industrial experience has been centered on the defense industry, it also includes energy, environmental and infrastructure, electronics, government facilities management, communication and information systems. Overall, about two-thirds of my career was spent in defense, where I was involved in one or more phases of over 20 major DOD programs that spanned the entire spectrum from under seas to outer space including

submarines, surface ships, aircraft, tanks, missiles and satellites. In addition, I spent a year in the DOD as a White House Fellow, so I believe I had a very good understanding of DOD organizations and enterprise processes.

Finally, I have a management approach that I believe would be effective and supportive of Defense Transformation, which is one of the key elements of the Secretary's Defense Strategy. This approach can be characterized as both results and continuous improvement driven.

I believe that the combination of successfully leading, managing, and changing large, technology based organizations; the broad base of industrial experience centered on the defense industry; an effective management approach; direct DOD experience and my education have prepared me to be the Secretary of the Army.

Question. What recommendations, if any, do you have for changes in the duties and functions of the Secretary of the Army, as set forth respectively in section 3013 of title 10, United States Code, or in regulations of the Department of Defense pertaining to the functions of the Army?

Answer. I do not have any specific recommendations at this time. If confirmed, I will assess current Army duties and functions are warranted, and I will make appropriate recommendations to DOD.

Question. What duties and responsibilities would you plan to assign to the Under Secretary of the Army?

Answer. The Under Secretary of the Army performs such duties and exercises such powers as the Secretary of the Army prescribes. The Under Secretary is the Secretary's principal civilian assistant and senior advisor on key Army issues. If confirmed, I will review the current assignment of functions, responsibilities and duties within the Army Secretariat and determine the capacities in which the Under Secretary can most appropriately support my efforts to ensure the Department of the Army is efficiently administered in accordance with the policies set out by the Secretary of Defense.

RELATIONSHIPS

Question. What do you see as the relationship between the Secretary of the Army and each of the following?

The Secretary of Defense.

Answer. The Secretary of Defense, as the head of the Department of Defense and the principal assistant to the President in all matters relating to the Department of Defense, issues guidance and direction to the Military Departments. The Secretary of the Army is subject to the authority, direction, and control of the Secretary of Defense. If confirmed, I will be responsible to the Secretary of Defense for the operation of the Army in accordance with such directives. I will cooperate fully with the Secretary of Defense to ensure that the Army properly implements the policies established by the Office of the Secretary of Defense. I will communicate with the Secretary of Defense in articulating the views of the Army.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense performs such duties and exercises such powers as the Secretary of Defense prescribes. The Deputy takes precedence in the Department of Defense immediately after the Secretary. If confirmed, I will be responsible to the Deputy Secretary of Defense for the operation of the Army in accordance with such directives. I will cooperate fully with the Deputy Secretary of Defense to ensure that the Army properly implements the policies established by the Office of the Secretary of Defense.

Question. Other Service Secretaries.

Answer. The Secretaries of the Military Departments are responsible for, and have the authority necessary to conduct, all affairs of their respective Departments. If confirmed, I will work closely with my counterparts to foster an atmosphere of teamwork and complete trust, which I believe is critical to executing U.S. national policy. As directed by the President and Secretary of Defense, I will support the other Service Secretaries in the accomplishment of their responsibilities as needed.

Question. The Chairman, Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff's (CJCS) responsibilities are clearly delineated in title 10, USC, section 153. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. The CJCS serves as an advisor but is not in the direct chain of command that runs from the President and Secretary of Defense directly to the combatant commanders. However, there are provisions for the President to direct communications between him or the Secretary of Defense and the combatant commanders be transmitted through the CJCS. This ensures the Chairman stays informed in order to execute his other responsibilities. If confirmed,

subject to the authority of the President and Secretary of Defense, I will coordinate with the CJCS to accomplish the objectives of the National Command Authority.

Question. Chief of Staff, Army.

Answer. The Chief of Staff of the Army assists the Chairman in providing military advice to the President, the National Security Council, and the Secretary of Defense. The Chief of Staff serves as the Secretary of the Army's principal military adviser. If confirmed, I will work closely with the Chief of Staff to ensure that my decisions are implemented through the Army Staff and Army commands and agencies. I will rely upon the Chief of Staff to communicate Army Staff's plans to me and to inform me about conclusions reached by the Joint Chiefs of Staff and about significant military operations, to the extent such action does not impair the independence of the Joint Chiefs of Staff. I will work with the Chief of Staff to establish the best policies for the Army in light of national interests.

Question. Assistant Secretary of the Army for Manpower and Reserve Affairs.

Answer. The Assistant Secretary of the Army (Manpower and Reserve Affairs (M&RA)) has the principal responsibility for the oversight of manpower, personnel, and Reserve components affairs in the Department of the Army. If confirmed, I will work closely with the Assistant Secretary to ensure that within the Department of the Army there is effective and efficient management of the force and adequate and appropriate training. My goal will be to provide soldiers, Department of the Army civilians, veterans, and their families with effective and clear policies and programs to meet their needs.

The M&RA was established in 1968 when Congress directed that the Army create a new Assistant Secretary for the specific purpose of managing manpower and Reserve affairs. The Assistant Secretary of the Army for Manpower and Reserve Affairs, on behalf of the Secretary of the Army, has the principal responsibility for setting the strategic direction and providing the overall supervision for manpower, personnel, and Reserve Affairs across all Army components (active, Guard, Reserve, civilian, and contractor). The primary policy and oversight responsibilities include; human resources, training, readiness, mobilization, force management, manpower management, Reserve components, Army Review Boards, equal employment opportunity, and civil rights.

Question. Assistant Secretary of the Army for Installations, and Environment.

Answer. If confirmed, I will establish and maintain a close, professional relationship with the Assistant Secretary of the Army (Installations and Environment). I will encourage direct and open communication and will foster an environment of cooperative teamwork with this office as well as with the entire Army Secretariat and Staff.

The Office of the Assistant Secretary of the Army for Installations and Environment has responsibility for policy development, program oversight and coordination of a wide variety of Army activities. If confirmed, I will work closely with the Assistant Secretary to ensure that our Army installations are properly maintained and operated; that privatization of Army family housing and other infrastructure programs continue; and that environmental compliance and clean-up programs are being conducted in an efficient and effective manner.

Question. Assistant Secretary of the Army for Financial Management and Comptroller (ASA (FM&C)).

Answer. If confirmed I see my ASA (FM&C) as my Chief Financial Officer, my CFO who is my principal advisor on all financial matters to include resource allocation, cost controls and financial accountability. The Assistant Secretary of the Army for Financial Management and Comptroller has the duty to resource the Army and to provide accountability to the American public. If confirmed, I will work closely with the Assistant Secretary to ensure that the Department of the Army's financial management activities and operations are operated properly and efficiently as possible.

Question. Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

Answer. The Assistant Secretary of the Army for Acquisition, Logistics, and Technology serves, when delegated, as the Army Acquisition Executive, the Senior Procurement Executive, the Science Advisor to the Secretary, and as the senior research and development official for the Department of the Army. If confirmed, I will work closely with the Assistant Secretary to ensure that all Department of the Army matters related to logistics and technology are managed in a effective and efficient manner.

Question. Assistant Secretary of the Army for Civil Works.

Answer. If confirmed, I will establish and maintain a close, professional relationship with the Assistant Secretary of the Army for Civil Works. I will encourage di-

rect and open communication and will foster an environment of cooperative teamwork within the Secretariat and with the Army Staff.

The Assistant Secretary of the Army (Civil Works) has as the principal responsibility for overall supervision of the functions of the Department of the Army relating to all aspects of the civil works program. If confirmed, I will work closely with the Assistant Secretary to ensure the continued effective and efficient management of the many programs under his responsibility.

Question. General Counsel of the Army.

Answer. The General Counsel is the chief legal officer of the Department of the Army. His duties include coordinating legal and policy advice to all members of the Department of the Army regarding matters of interest to the Secretariat, as well as determining the position of the Army on any legal question or procedure other than military justice matters assigned to the Judge Advocate General. If confirmed, I will establish and maintain a close, professional relationship with the General Counsel to assist him in the performance of these important duties.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that you would confront if confirmed as Secretary of the Army?

Answer. Transforming the force while providing the capability to combatant commanders to fight in Iraq, Afghanistan and other theaters in the war on terror—while continuing to deter aggression in other theaters—is a major challenge. Our Nation is decisively engaged in a war fought against global terrorist networks—that will endure, in some form, for the foreseeable future.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. To meet this challenge, we are aggressively transforming the Army as we fulfill our task to equip, train, and protect the Soldiers we provide to the combatant commanders. We are reshaping the Army to create a “campaign quality with joint and expeditionary capabilities.”

Waging a war while transforming is a complex, potentially high risk task; however, we have charted the right course. We are applying lessons learned in 2½ years of war—and examining every aspect of how we do business. Our core competencies, however, will endure: to train and equip soldiers and grow leaders, and to provide relevant and ready landpower to combatant commanders and the joint team.

We have three immediate objectives, contained in the Army Campaign Plan, for our transformation: modularity, rebalancing, and stabilization.

Building modular capabilities—to be able to deploy forces in distinct combat or support modules—is already increasing our strategic responsiveness and flexibility.

Rebalancing the size and capabilities of our active and Reserve components—to ensure each component is the right size with the right capabilities—will help to manage workload for our people and units.

Stabilizing the force—lengthening time that units are assigned together—will increase cohesion by reducing turnover and requirements for repetitive retraining on key tasks. This will improve our preparedness—or readiness to fight. A key byproduct of our focus on improving cohesion will be improvements to levels of predictability—when people will be deploying and for how long. All of these objectives will help to relieve stress on the force.

FOCUS AREAS

Question. The senior leadership of the Army has established immediate focus areas to channel Army efforts on winning the global war on terrorism and increasing the relevance and readiness of the Army. The focus areas include the soldier, combat training centers and the Battle Command Training Program, leader development and education, Army aviation, the network, and modularity.

What is your opinion of the Army's focus areas?

Answer. I believe the Army's approach to focus on key areas to be right on the mark. Last summer, the Army identified 17 areas in need of immediate focus to adapt Army organizations and processes to improve its ability to do its job—provide trained soldiers and leaders as well as the land forces needed by the combatant commanders to fight. Progress in the focus areas—that range from preparing soldiers better to designing more agile resourcing and planning processes—will make the Army better. They are already improving combat and logistical capability. This will improve the ability to wage campaigns, as well as joint, expeditionary operations.

Question. In your view, what can be done to improve these focus areas?

Answer.

a. Soldier—The Army is working to prepare flexible, adaptive soldiers supported by their families. This requires soldiers to have all the equipment they need to fight and to protect themselves. The Army is working to resource and field this equipment, from improvements to small arms to body armor. It also requires improving training to prepare them to operate and communicate in the environment of irregular warfare. Improvements also include working to improve their understanding of the Warrior Ethos—the values and attitudes we want soldiers to inculcate. Finally, the Army is continuing efforts to reinforce families' abilities to be resilient in the face of extended deployments.

b. Network—The Army is working to ensure that the network that supports soldiers is fully interoperable with joint applications. The Army is executing a top-down, enterprise approach to integrate architecture and protocols to improve access and versatility for soldiers and their leaders.

c. Combat Training Centers—CTCs must continue to focus on full spectrum training in the contemporary operating environment, including greater emphasis on civilians on the battlefield and joint operations.

d. Leader Development—Training and Leader Development needs to continue to improve soldier and civilian institutional training, operational experience, and self-development opportunities to better prepare our leaders to operate effectively in a joint environment now and in the future.

e. Army Aviation—The senior leadership's guidance to the Army has been to make Army Aviation a capabilities based maneuver arm, optimized for the joint fight with a shortened logistics tail. I look forward to working with the Army's leadership as we review and adjust aviation modernization and transformation efforts.

f. Modularity—The Army is working to complete standard designs for combat and support oriented Units of Action, that will replace the brigade design prevalent today. This conversion is well underway. The Army is working to develop strategies—and provide resources—to man, equip, train, and deploy the new modular units of action, many of which are already included in deployment schedules.

Question. If confirmed, do you intend to refocus the Army's focus areas, and if so, how?

Answer. I have no plans at this time. I will participate in discussions with the senior leaders in the Army to make an informed assessment.

INVESTIGATIVE REPORTS

Question. Service Secretaries are regularly called upon to make decisions regarding accountability of military and civilian personnel based on investigative reports of service inspectors general and field commanders.

What steps do you believe that a Service Secretary should take in a case in which the Secretary has doubts about the quality and reliability of the legal and factual conclusions in an investigative report?

Answer. I have confidence in the independence and judgment of the Inspector General (IG), his staff in the U.S. Army Inspector General Agency and field IGs across the Army. These officers and their staffs enjoy a reputation and a tradition of honesty and incisive advice to the Army leadership. At the headquarters, they receive outstanding legal support from the Office of the General Counsel and from the Judge Advocate General. Field commanders, and their detailed Inspectors General receive the same support from their supporting Staff Judge Advocate. If there is ever any doubt as to any of their reports, however, there are a number of formal agencies available to the Secretary of the Army for additional review. In criminal cases, the Secretary can refer matters to the Criminal Investigation Command. If a case involved financial integrity, the Secretary can refer matters to the Army Audit Agency. Finally, the Secretary of the Army may request the Secretary of Defense to have Department of Defense Inspector General conduct a review of the matter. In addition to these formal structures, the Secretary may direct an independent investigation under Army Regulation 15-6 to look into any matter of concern. I am confident that as Secretary of the Army, I would have the resources available to conduct the full range of independent investigations.

TITLE 32, U.S.C.

Question. The National Guard operates under title 32 of the United States Code when performing training while under the control of the State governors, and also while performing certain counterdrug activities. Legislative proposals to expand this authority to include homeland security activities have passed both Houses of Congress.

What are your thoughts on the adequacy of the present title 32 statutes to meet the national defense and homeland security needs?

Answer. Title 32 was originally enacted to ensure that members of the National Guard were trained to Federal standards. Title 32 has been successful in that members of the National Guard, who have been called into Federal service for generations since the enactment of title 32, have consistently accomplished their assigned national defense missions to the highest standards. Accordingly, title 32 has been effective in training members of the National Guard to meet national defense needs.

Although title 32 has been expanded to permit members of the National Guard to perform counterdrug activities while under state control in a title 32 status, it is my understanding that Congress would have to further amend title 32 to permit members of the National Guard to perform homeland security missions while in a title 32 status.

Question. In your view, is an expansion of authority under title 32 desirable? If so, why?

Answer. If confirmed, I will assess the Army's capabilities to accomplish its national defense and homeland security missions. I will also evaluate how the Army National Guard can best be employed to that end within the statutory limitations imposed by Congress.

Question. It is argued that such an expansion would dilute the concept of title 32 as a training status, making it virtually identical to title 10 active duty service, while raising significant command and control questions. What is your opinion?

Answer. I agree that, if members of the National Guard are used to perform homeland security missions while in a title 32 status, then the Army would have to ensure that the guardsman were still adequately trained to Federal standards. I would also agree that certain missions must be performed while soldiers are subject only to Federal command and control; Federal interests would dictate that members of the National Guard should not perform such missions while in a title 32 status.

DELIVERY OF LEGAL SERVICES

Question. The Secretary of the Air Force has approved significant changes in the working relationship between the General Counsel of the Air Force and the Judge Advocate General of the Air Force. Information available to the committee indicates that the ability of the Judge Advocate General and Air Force judge advocates to provide independent legal advice to senior leaders may have been undermined, and that the morale and effectiveness of the Air Force legal system have been adversely affected. The General Counsel of the Army last year expressed the opinion that a substantial reduction in the number of judge advocates in the Army might be desirable, although evidently no action has been taken on the suggestion.

What are your views about the responsibility of the Judge Advocates General of the Services to provide independent legal advice to the Service Secretaries, the Chiefs of Staff and other senior military leaders, particularly in the areas of military justice, international and operational law, including the applicability of the 1949 Geneva Conventions?

Answer. The Judge Advocate General of the Army has specific statutory responsibilities set forth in title 10, particularly in the areas of military justice and as legal advisor to the Secretary of the Army. I look forward to working closely with the General Counsel and the Judge Advocate General and their organizations to accomplish our Department's mission in the most effective manner possible.

Question. What are your views about the responsibility of field judge advocates to provide independent legal advice to military commanders in the field?

Answer. The independent and accurate legal advice provided by judge advocates to commanders in the field is indispensable to the successful accomplishment of the Army's mission. If confirmed, I will ensure that such advice continues to be available to our commanders at all times.

Question. If confirmed as Secretary of the Army, what intentions do you have with respect to the delivery of legal services in the Department of the Army?

Answer. If confirmed, I intend to fully utilize all of the legal expertise provided by our Service's military and civilian attorneys. The legal complexities of the current operational environment require the Army to leverage all available legal assets and expertise to ensure the accomplishment of our Department's mission. To this end, I look forward to the support of all Department of the Army attorneys.

TRANSFORMATION

Question. The Comptroller General of the United States has recently written that defense transformation is "a battle the U.S. cannot afford to lose" . . . , and that, "the U.S. Armed Forces clearly deserve an 'A' for effectiveness. At the same time,

the Department earns about a 'D' for economy, efficiency, transparency, and accountability."

The Army has expended a great deal of effort in developing the Army's transformation plans.

Answer. That's exactly right—transformation is a battle the United States Army cannot afford to lose. While fighting two wars, the Army is decisively engaged with force transformation, our most comprehensive since World War II, and we must see this through to victory. Success in Army transformation leads to greater success in Afghanistan and Iraq by making our forces more situational aware, more deployable and more agile to seize opportunities to destroy terrorist organizations. In turn, this makes the American people safer.

Question. Please describe your understanding and assessment of the Army's transformation plans, its strengths and weaknesses in each of the areas mentioned by the Comptroller General, and what transformational priorities you would pursue if confirmed as Secretary of the Army.

Answer. The Army's transformation efforts are directed to build a campaign-quality Army with joint and expeditionary capabilities now to provide relevant and ready land power to combatant commanders and the Joint Force while sustaining operational support to combatant commanders and maintaining the quality of the All-Volunteer Force. The Army is fulfilling its strategic commitments while simultaneously transforming to a modular, capabilities-based force.

REQUIREMENTS AND PLANNING PROCESSES

Question. For fiscal year 2004, the Department of Defense submitted a supplemental request and reprogrammed funds for Operation Iraqi Freedom to address force protection equipment shortfalls including interceptor body armor, up-armored high-mobility multipurpose wheeled vehicles and aircraft survivability equipment. If confirmed as Secretary of the Army, you will be responsible for equipping the Army.

What changes would you recommend to the way the Army prioritizes resource allocation to mitigate future force protection shortfalls?

Answer. The Army, along with the Nation, has experienced a significant change in operating environment. We have journeyed from being a Nation enjoying a strategic pause with predictability to an Army at War with a continuous rotation of forces worldwide to support an unpredictable global war on terror. In response, the Army has developed flexible and responsive resourcing processes to specifically address force protection equipment shortfalls along with other identified equipment shortfalls as they arise. I would clearly review these processes to ensure that combatant commander, and certainly soldier, needs are addressed swiftly and fully with a view towards balancing supply and demand to best prioritize all available resources.

Question. Are there changes in the planning process that you would recommend to prepare Army forces for future conflicts or operations?

Answer. Army planning must be flexible enough to consider the broad spectrum of potential missions and not be limited to a handful of known or suspected threats. The Army has witnessed the unforeseen and must be capable to respond quickly. Capabilities-based planning is a critical component of the Army's planning process and nests fully under the Department of Defense efforts to transform defense planning processes. I would review the Army's progress to integrate a capabilities based planning process and eliminate artifacts from the previous threatbased planning process that impede the Army's ability to best posture for future conflicts and global operations. We must continue to meet the needs of our soldiers in combat today and develop processes to quickly provide capabilities needed in a dynamic battlefield.

COMANCHE

Question. While terminating the Comanche helicopter program, the Army stated that it would reallocate \$14.6 billion, all of the funds originally programmed for Comanche development, to critical Army aviation shortfalls. In the fiscal year 2005 amended budget request, the Army took the first step by reallocating \$1.2 billion originally requested for Comanche development to other Army aviation programs. The Army also requested funding for an armed reconnaissance helicopter and a light utility helicopter. Do you support the Army's strategy of fixing Army aviation shortfalls using funds originally programmed for the development of the Comanche helicopter?

Answer. Yes. A 6-month study determined that the some of the capabilities that the Comanche program would provide were no longer consistent with the Current Operational Environment. The reallocation of funds previously intended for the Comanche program will allow the Army to accelerate air crew protection and Aircraft Survivability Equipment (ASE) initiatives to meet the evolving threat and provide

every aircraft with the best possible equipment; modernize approximately an additional 300 helicopters to extend aviation capabilities beyond 2020; transform Reserve component aviation; purchase approximately 800 new aircraft; accelerate the Unmanned Aerial Vehicle (UAV) program to add platforms that extend battlefield awareness and strengthen manned-unmanned teaming; and balance current and future Army Aviation capabilities.

Question. Do you agree with the Army's assessment that it has a requirement for an armed reconnaissance helicopter and a light utility helicopter?

Answer. I am aware that the Army has a plan to address the shortfalls in aviation capability. I look forward to working with the Army's senior leadership as we move forward to aggressively implement the plan.

Question. If confirmed, how would you intend to address Army aviation capability shortfalls resulting from the Comanche helicopter termination?

Answer. The Army has already or has plans to migrate Comanche technologies into existing programs, where possible. As an example, improvements in the Forward Looking Infra-Red (FLIR) planned for Comanche have been integrated into the Apache program. As an interim solution for an armed reconnaissance platform, the Army will procure 368 helicopters to replace the Kiowa Warrior fleet. Additionally, funding from Comanche have been applied for a future Joint Multi-Role platform. This will satisfy future force armed reconnaissance requirements.

FUTURE COMBAT SYSTEM

Question. The Army's Future Combat System (FCS) consists of 18 programs and a network. It is managed for the Army by a lead systems integrator. The Army recently announced that it was restructuring the FCS program to accelerate the network and core FCS programs through three spirals in order to provide more network connectivity and capabilities to the current force.

What are your views on the current structure of the Future Combat System?

Answer. The Future Combat System is the engine of transformation for the Future Force. This year, the Army recognized the opportunity to restructure a technologically aggressive program to not only better support the future force, but also to increase the capabilities of our current force. By instituting a series of spirals of FCS technologies such as the network, intelligent munitions system, the non-line-of-sight launcher system, and eventually unmanned ground vehicles to the current force, valuable insights will be gained on the entire FCS program and inserting FCS capabilities that are required for our soldiers as they fight the global war on terrorism.

Question. Do you believe that the Army has undertaken the necessary coordination with the Joint Staff and the other services to ensure that the Future Combat System network is interoperable with other services communication systems and that the Army will have sufficient bandwidth to support the Future Combat Systems network?

Answer. Yes. The FCS Operational Requirements Document provides specific Joint interoperability requirements. The Army also recently updated our requirements to include the Network Ready Key Performance Parameter. The Army is also working closely with OSD and the Joint Staff to perform a Network Centric review of the FCS program.

Question. What are your views on the current role and responsibilities of the lead systems integrator?

Answer. The Lead Systems Integrator provides direct support to the Army in requirements development and analysis, and assists in the identification, selection and procurement of components, subsystems, and systems. The Army maintains oversight and final approval of the Lead Systems Integrator's subcontracting and competition plans. In this innovative relationship, the Army always has the right of refusal, and maintains control of the work product. This process works well for the Army and for industry.

Question. Do you have any funding- or schedule-related concerns regarding the Future Combat System restructure?

Answer. FCS is fully funded and will use evolutionary acquisition to develop, field, and upgrade the program throughout its lifecycle. FCS will achieve the primary goal of Army transformation which is to develop a strategically responsive, precision maneuver force that is dominant across the range of military operations. This transformation will not be quick or inexpensive, but the Army has demonstrated its commitment to resourcing this cornerstone of modernization.

STRYKER BRIGADE COMBAT TEAMS

Question. When General Shinseki announced Army Transformation in October 1999, he established a goal to deploy a combat-capable brigade, now called the Stryker Brigade Combat Team, anywhere in the world in 96 hours. In June 2003, the GAO stated that "the Army has made significant progress in creating brigades that can be more rapidly deployed than heavy brigades, but it cannot deploy a Stryker brigade anywhere in the world within 4 days." Both the department of the Defense and Department of the Army stated that they believe that the 96-hour deployment goal should be retained.

What are your views on the 96-hour deployability goal for the Stryker Brigades?

Answer. The Army is currently relooking its 96-hour deployability. Specifically the Army wants to best support the combatant commander in expeditionary operations.

JOINT OPERATIONS

Question. Joint operations of military forces is a key element of the transformational goals articulated by Secretary Rumsfeld in facing future security threats. If confirmed as Secretary of the Army, what would your commitment be to engaging in strategic planning with the other Services for plans and programs in support of the joint integration of U.S. forces to face future security threats?

Answer. I enthusiastically support the emphasis on joint integration that is so evident in the Army Transformation plan. I intend to continue along the path toward even more jointness in planning for the future. The Army depends heavily on its partners in other services and the Army provides critical security, protection and support to elements of other services throughout a typical campaign. We must understand and even embrace those interdependencies. I would be in favor of any initiatives that bring the services together in the strategic planning stage, just like they are always teamed when deployed and in harms way. The nature of the challenges to national security today are such that no single service is likely to have all that it takes to prevail in a campaign or contingency. For reasons of collective effectiveness, efficiency, and budgetary discipline, we must go about the task of shaping the future force jointly.

SCIENCE AND TECHNOLOGY (S&T) PROGRAM

Question. The defense science and technology program is recovering after years of declining budgets. However, the budget request for defense S&T still falls short of the Secretary of Defense's goal of dedicating 3 percent of the total defense budget to science and technology.

If confirmed, how do you plan to increase the Army science and technology program to meet the Secretary's goal?

Answer. We are a Nation at war. The Army continues to balance the needs of the Current Force with those of Army Transformation.

SPACE

Question. The Army has restructured its program executive office for air and missile defense to include Army space efforts, and issued a new Army space policy. Are you satisfied that current Department of Defense management structures adequately support and protect Army equities in space?

Answer. Current DOD management structures provide adequate support for Army space equities. The process of developing joint concept and doctrine provides an opportunity and a forum for the Army to actively participate in the development of space architectures, programs and systems to ensure that they will meet Army required capabilities.

Question. Are you satisfied with the current level of effort in the Army related to space programs? Do you believe these efforts have the right focus?

Answer. The Army has gained an increased appreciation for space-based capabilities from OIF and OEF. The Army is actively working to improve and integrate its space capabilities. Army efforts include new material development and synchronization, soldier training initiatives, force structure and organizational changes, as well as doctrinal updates. The Army's focus has been to push space capabilities forward and down to the tactical level, providing the warfighter with increased capabilities. Focusing to support the warfighter is a good thing.

Question. The Army currently defines its space career field as a subset of the information technology career field.

Answer. Space operations are centered on the use of and exploitation of information. Space capabilities are currently centered on gathering, providing, denying and transmitting information.

Question. Do you believe the information technology career field structure is adequate to support Army space interests?

Answer. The Army's space capabilities are expanding and becoming more diverse. The Army is currently involved in a year-long study to determine its future space career field requirements and structure.

Question. Do you believe that the space career fields of the Army, Navy, and Air Force should be integrated?

Answer. Jointness is always good. However, each Service has its own unique operational requirements. The Army needs space personnel who understand ground maneuver warfare and are trained and equipped to operate in this medium.

MISSILE DEFENSE

Management for procurement of the Patriot Advanced Capability-3 (PAC-3) system has transitioned to the Army, but proper alignment of continuing ballistic missile defense research and development efforts remains an open question.

Do you believe that PAC-3 should remain thoroughly integrated in the ballistic missile defense system being developed by the Missile Defense Agency?

Answer. Certainly. The Army systems are planned to be fully integrated into the Ballistic Missile Defense System (BMDS). The Army and MDA remain committed to ensure the integration of the Patriot PAC-3 program in the BMDS. Additionally, the Patriot retains the mission of providing air and missile defense independently of the BMDS. As the BMDS evolves its functions of detection, tracking, engagement, and interception of threat missiles in all regimes of flight, the Army will work with MDA as a team member of the robust BMDS architecture.

Question. What is your view of the best organizational and management structure to support the spiral evolution of PAC-3 air and missile defense capabilities?

Answer. The current structure is probably the best structure in today's environment. The current management structure of the Combined Aggregate Program, combines the Patriot and MEADS programs. By the current International Memorandum of Understanding (MOU), the Program Manager, Lower Tier, is the General Manager of the NATO MEADS Management and Logistics Agency (NAMEADSMA). NAMEADSMA has issued the contract to the international consortium of U.S., Italian, and German concerns to develop the MEADS system. The General Manager, a U.S. Army officer provides the responsiveness and insight needed by the U.S. membership. The incremental acquisition approach balances the needs of evolving the Patriot system in the near term and development of the objective MEADS system in what we believe will be the most cost effective manner to meet the strategic, tactical, and operational needs to provide the operational forces the AMD protection needed today and in the future as the threat continues to change. Our ongoing relationship with MDA ensures the integration and interoperability continue and provides benefits to a challenging mission area.

LOW DENSITY/HIGH DEMAND FORCES

Question. If confirmed, how would you address the Army's challenge in manning low density/high demand units such as military police, civil affairs, and other units?

Answer. The Army is already undergoing its largest restructuring effort in over 50 years to divest of Cold War capabilities and meet the demands of the 21st century. This restructuring includes increases in military police, civil affairs, intelligence, and other highly stressed career fields. Our challenge centers on recruiting and retaining the right volunteer force given current and anticipated force levels required to support the global war on terrorism.

Question. Do you believe that the Army needs to field additional such units?

Answer. We continue to assess current and evolving missions and will invest in additional capabilities based on Combatant Commander requirements.

PREVENTION AND RESPONSE TO SEXUAL ASSAULT

Question. The Senate Armed Services Committee has aggressively pursued reports of sexual assault in the military and demanded improved efforts by leadership at all levels in the Military Departments to prevent and respond to instances of sexual assault against members of the Armed Forces. Legislative proposals are now pending which call for the development of comprehensive policies and programs to prevent and respond to sexual assault and violence against military members, to include detailed reporting on an annual basis of instances of sexual assault and actions taken in response to substantiated cases. If confirmed as Secretary of the Army, you will be responsible for carrying out the mandate of Congress to effectively deal with and ultimately eliminate, through prevention and training, the crime of sexual assault against military members in the Army. You would also be responsible

for accurate annual reporting of the incidence of sexual assault and disposition of substantiated cases, including care for the survivors of sexual assault.

Are you prepared to accept this responsibility, if confirmed, and to assign the highest priority to this mandate?

Answer. I concur with the Secretary of Defense that sexual assault will not be tolerated in the Department of Defense. Sexual assault is a societal problem based on the criminal misconduct of individual actors. In light of the individual criminal responsibility, the ability to wholly eradicate the problem is limited. However, I intend to do everything within my power to improve on prevention and response to sexual assault in the Army. I am aware that the Army has taken significant steps in the last year to improve on this issue.

Question. What is your understanding of the problem as it exists today, including the steps taken by the Army in the last 7 months to address the problem of sexual assault.

Answer. In the last 7 months, the Army created a Department of the Army Sexual Assault Task Force which studied the problems of sexual assault within the Army in the deployed and garrison environment. The task force developed an action plan which is currently in the process of being implemented addressing a wide range of issues including, but not limited to, improved services to victims, improved reporting procedures, and Army-wide training on sexual assault prevention and response. I will insure the complete implementation of the action plan and will remain continuously sensitive and vigilant to the issue of sexual assault within the Army.

Question. What is your estimate of the types and amount of resources required to adequately address this problem in the future?

Answer. I do not have the specifics of either Task Force Report. I would not be surprised at a need for additional counselors, investigators, and reporting mechanisms, but I cannot guess at the requirements. But if confirmed, I would find out quickly.

HUMAN CAPITAL

Question. The Army has a very large civilian workforce which is increasingly integral to support every aspect of the Army's worldwide mission. In fiscal year 2004, Congress authorized the Department of Defense to design and implement a National Security Personnel System, to modernize the civilian workforce and provide needed flexibility for management of the civilian workforce.

What is your vision for an effective human capital strategy for the Army's civilian workforce?

Answer. The Army civilian workforce has been and will continue to be a major contributor to military readiness, providing continuity, expertise, and commitment. The Army's Transformation strategy involves developing an objective force that is more responsive, deployable, and sustainable than the present force. Civilians must continue to perform critical roles, from keeping warfighting organizations ready for worldwide deployment today to building the sophisticated tools necessary to maintain readiness tomorrow. Civilian workforce readiness is critical to the Army's success and must be continuously addressed to ensure its viability. NSPS provides an opportunity to develop streamlined and flexible processes for recruiting, hiring, pay administration, and performance management, within the framework of merit principles, accommodation of veterans' preference, and respect for employees' right to bargain. I agree with the NSPS Guiding Principles of:

- a. Putting mission first
- b. Respecting the individual and protecting rights guaranteed by law
- c. Valuing talent, performance, leadership and commitment to public service
- d. Being flexible, understandable, credible, responsive and executable
- e. Ensuring accountability at all levels
- f. Balancing human resource system interoperability with unique mission requirements
- g. Being competitive and cost effective

Question. What is your understanding of the National Security Personnel System (NSPS) and the status of its implementation in the Department of Defense today?

Answer. The National Defense Authorization Act for Fiscal Year 2004, signed by President Bush on November 24, 2003, allows DOD to establish new personnel rules for the civilian workforce, within the framework of merit principles, accommodation of veterans' preference, and respect for employees' right to bargain. The law authorizing NSPS provides a framework but does not prescribe the specific elements of the new system. Secretary of the Navy Gordon England is the DOD Senior Executive for NSPS. He is working with the components and OPM to design, develop, estab-

lish, and implement NSPS. Proposed regulations implementing NSPS will be jointly prescribed with the Director of the Office of Personnel Management.

GOVERNANCE OF THE TRICARE HEALTH BENEFIT

Question. In October 2003, the Under Secretary of Defense for Personnel and Readiness, issued a policy on governance of the DOD health care benefit designed to greatly improve the administration of TRICARE through the establishment of three geographical regional commands, and supported by a health delivery system that "focuses on joint decisionmaking and effective resource allocation." Each of the Service Secretaries was asked to provide a military flag officer or Senior Executive Service civilian to lead one of three regions. To date, the Army has declined to support this critical leadership requirement. The committee believes that the role of the TRICARE Regional Director is key to the effective administration of the uniform health care benefit for all uniformed services members, retirees, and family members and requires the sustained commitment of each of the military departments. The committee further believes that service as Director of a TRICARE region is a key qualification for future Army medical leaders.

If confirmed, do you pledge to support the requirement for senior flag officer engagement and accountability as a Regional Director for the TRICARE program?

Answer. Managing health benefits is a significant challenge for any organization. I am certain this is equally challenging for the Army. The Army must provide a competitive health benefit for recruitment and retention and meet the title 10 responsibilities to ensure a medically ready and deployable force. Finally, the Army must provide the highest quality care possible to that force wherever it is deployed. I certainly would support the assignment of SES members to these jobs, but I believe the decision to assign General Officers as TRICARE Regional Office Directors requires much more detailed consideration. We need to make sure we have the right people with requisite skills, training, and professional development to successfully serve in these important positions.

DEVOLVEMENT

Question. This year the Office of the Secretary of Defense (OSD) devolved (transferred) several programs to the Services. Many of these programs reside in OSD because of the inherent jointness of the program.

If confirmed, how would you plan to maintain the integrity of those programs devolved to the Army?

Answer. The Army will maintain the integrity of those programs by enforcing the processes that establish joint program requirements and ensuring appropriate funding levels are maintained. Any programs that involve international partners, like PAC3/MEADs, will abide by the international agreements guiding those programs. The Army will work closely with OSD, its sister Services, and international partners to ensure requirements are prioritized, resourced, and executed.

ACQUISITION REFORM

Question. Secretary Rumsfeld testified that the cycle time for major acquisition programs conducted over the past several decades averages between 8 and 9 years. Others have stated that the cycle time may be as long as 15 to 20 years. The Secretary stated that this cycle time is not sufficiently responsive to urgent new challenges and rapidly emerging technological developments.

What are your thoughts on specific steps that can be taken to reduce the cycle time for major acquisition programs?

Answer. I understand that the cycle time for major acquisition programs can take longer than desired. I will make it a top priority to review the steps in the process to see if any reduction in time can be achieved.

Question. Do you see a need for any changes to the existing acquisition structure and/or acquisition chain of command?

Answer. The current structure is fine until my review is complete.

ACQUISITION WORKFORCE

Question. There has been considerable pressure to reduce acquisition organizations on the basis of absolute numbers. DOD has reduced its acquisition workforce approximately 50 percent, from the end of fiscal year 1990 to the end of fiscal year 1999, while the workload has remained essentially constant, and even increased by some measures.

Are you concerned that reductions to the acquisition workforce will have a negative effect on program management, and if so, how do you plan to address this problem?

Answer. The Army is not asking for an increase. Programs are managing the increased work load by shifting current personnel. By applying risk management to the manufacturing and inspection process, personnel have been moved to needed position. There is an Army initiative to develop more scientists and interns.

Question. As the DOD continues to emphasize contracting out and competitive sourcing, the skills, training and experience of the acquisition workforce will be critical in effectively managing these contracts. In addition, the Department's Acquisition Workforce 2005 Task Force has reported that DOD will be faced with a significant demographic challenge as 50 percent of the remaining acquisition workforce will be eligible to retire in the next 5 years.

Do you believe the current acquisition workforce has the quality and training to not only adapt to new acquisition reforms, but also respond successfully to the increased workload and responsibility from managing privatization efforts?

Answer. There are several programs in place to attract high quality personnel. The Director of Acquisition Career Management has implemented several initiatives to ensure the workforce continues to evolve as a professional workforce. These include complying with projected changes in DAWIA II, enforcing higher certification standards and supporting advanced training for workforce members. One of my priorities will be to evaluate the effectiveness of these initiatives.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Secretary of the Army?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Dr. Francis J. Harvey follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 15, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Francis J. Harvey, of California, to be Secretary of the Army, vice Thomas E. White, resigned.

[The biographical sketch of Dr. Francis J. Harvey, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. FRANCIS J. HARVEY

Dr. Fran Harvey is a successful business executive who has extensive experience in leading and managing large organizations, particularly program based organizations involved in the development and deployment of technology and systems. As part of his results oriented management approach, Dr. Harvey places major empha-

sis on business transformation especially through process improvement in combination with the application of information technology.

His broad base of experience has been multi-dimensional in terms of industries, functions, and markets. His industrial experience is very diverse and includes aerospace and defense, environmental and infrastructure, energy, government facilities management, communications and information systems and electronics. In the defense sector, Dr. Harvey has been involved in over 20 major systems development and production programs across a spectrum of platforms including submarines, surface ships, aircraft, tanks, missiles, and satellites.

Over the course of his 28-year career with Westinghouse (1969–1997), Dr. Harvey had direct responsibility for the research and development, engineering, manufacturing planning and project management functions with major emphasis in the defense and energy areas. In addition, he has extensive experience in acquisitions, divestitures and joint ventures as well as international experience, particularly in Western Europe, Japan, and China. Dr. Harvey also served in the Pentagon for 1 year as a White House Fellow, working in the immediate office of Secretary of Defense Harold Brown.

In his last position with Westinghouse, Dr. Harvey was the Chief Operating Officer of the Corporation's \$6 Billion Industries and Technology Group, which consisted of six global businesses (Power Generation, Energy Systems, Government & Environmental Services, Process Control, Communications and Information Systems and Thermo King) operating in 67 countries with 40,000 people. Under his leadership, a comprehensive change and improvement program to transform the organization was initiated and resulted in significant operational improvements.

Prior to becoming Chief Operating Officer, he served as President of the Corporation's \$3 billion Defense and Electronics business, which was acquired by Northrop Grumman. This business consisted of six segments: Combat Systems; Battle Space Management; Command, Control and Communications; Information Systems; Naval and Security Systems. He also served as President of the Corporation's Government and Environmental Services Co. which consisted of three business units—Department of Energy Facilities Management, U.S. Navy Nuclear Reactor Development and Procurement, and Environmental Services. As the Vice President of Science and Technology, he directed a 1,000 person center which developed and applied technology in 8 major areas: advanced materials, microelectronics, advanced energy systems, power electronics, materials engineering, information and decisionmaking, advanced electromechanical systems and environmental.

Since leaving Westinghouse in 1997, Dr. Harvey has served on twelve different corporate and nonprofit boards, three of which are portfolio companies of the Carlyle Group. In 2000 and 2001, he was the interim COO of two high-tech start-ups. Most recently, he was Vice Chairman and served as acting CEO of the IT Group, Inc., and currently is the Vice Chairman of Duratek.

Dr. Harvey began his career in 1969 as a senior engineer at the Westinghouse Science and Technology Center, where he published over 50 scientific papers and reports and was awarded 12 patents.

Dr. Harvey obtained his BS degree from Notre Dame and his PhD from the University of Pennsylvania in Metallurgy and Materials Science.

CAREER CHRONOLOGY

DURA TEK, INC.—Vice Chairman	2002–Present
IT GROUP, INC.—Vice Chairman and Acting CEO	2001–2002
CORPORATE DIRECTOR—Ten Companies	1997–Present
WESTINGHOUSE ELECTRIC CORPORATION:	
Chief Operating Officer, Industries and Technology Group, Pittsburgh, PA	1996–1997
President, Electronic Systems, Baltimore, MD	1995–1996
President, Government and Environmental Services Co., Pittsburgh, PA	1994–1995
Vice President, Science and Technology Center, Pittsburgh, PA	1993–1994
General Manager, Marine Division, Sunnyvale, CA	1986–1993
General Manager, Electrical Systems Division, Hunt Valley, MD	1984–1986
Engineering Manager, Marine Division, Sunnyvale, CA	1982–1984
New Plant Planning Manager, Marine Division, Sunnyvale, CA	1981–1982
Deputy Program Manager, Marine Division, Sunnyvale, CA	1979–1981
White House Fellow, Department of Defense, Washington, DC	1978–1979
Senior Engineer and Fellow Engineer, Science and Technology Center, Pittsburgh, PA	1969–1975

GENERAL BACKGROUND

Education

Ph.D. University of Pennsylvania (1969), Metallurgy and Material Science.
 BS University of Notre Dame (1965), Metallurgical Engineering and Material Science.

Honors and Awards

Tau Beta Pi
 Outstanding Young Men of America
 Alpha Sigma Mu
 Westinghouse Patent Awards
 NSF Fellowship
 White House Fellowship

Publications and Patents

Author/co-author of 18 Scientific Papers
 Author/co-author of 39 Westinghouse Research Reports
 Inventor/co-inventor of 12 patents

Boards

Duratek, Inc. (Executive, Audit, Comp. Comm.)
 ViaCLIX, Inc. (2000–2002)
 IT Group, Inc. (Executive, Comp. Comm.)
 Akula Software, Inc. (2000–2002)
 Kuhlman Electric Corp (Comp. Comm.)
 ArtMet.com (2000–2001)
 Bridge Bank (Audit, Comp. Comm.)
 Army Science Board (1998–2000)
 Gardner Technologies
 Powerize.com (1998–2000)
 Santa Clara University (Board of Regents)

Professional and Civic Activities

Professional Societies

- TMS (1965–Present)
- ACS (1972–1990)
- ASNE (1986–1995)
- ASP (1988–Present)
- SNAME (1989–1996)
- AIA (1995–1996)

Special Olympics—Westmoreland, County, PA (1974–1978, Exec. Committee)
 Santa Clara County Manufacturers Association (1986–1993)

San Jose Museum of Art (1988–1992; Board of Trustees)

Jaycees-Franklin Reg. Chapter, PA, (1972–1977; VP, President, Chairman)

San Jose Symphony (1992–1993; Board of Directors)

Boy Scouts of America—Westmoreland Fayette Council, PA (1974–1976)

United Way of Santa Clara County 1988–1992; Campaign Cabinet, Vice Chairman)

Personal

Married with two adult children
 Wine
 Golf
 European History
 Skiing
 Astronomy
 Classical Music and Opera

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. Francis J. Harvey in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Francis Joseph Harvey II.

2. **Position to which nominated:**

Secretary of the Army.

3. **Date of nomination:**

September 15, 2004.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

July 8, 1943; La Trobe, PA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Mary Louise Dziak Harvey.

7. **Names and ages of children:**

Francis Joseph Harvey III (36 years old).

Jonathan Charles Harvey (33 years old).

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Latrobe High School (1957-1961) Diploma.

University of Notre Dame (1961-1965) BS, 1965.

University of Pennsylvania (1965-1969) PhD, 1969.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Self Employed, Los Gatos, CA 1997-Present

- DURA TEK, Inc., Vice Chairman.
- IT Group, Inc., Vice Chairman & Acting CEO.
- Corporate Director, Ten Companies.

Westinghouse Electric Corporation

- Chief Operating Officer, Industries and Technology Group, Pittsburgh, PA, 1996-1997
- President, Electronic Systems, Linthicum, MD, 1995-1996
- President, Government and Environmental Services Co., Pittsburgh, PA, 1994-1995
- Vice President, Science and Technology Center, Pittsburgh, PA, 1993-1994
- General Manager, Marine Division, Sunnyvale, CA, 1986-1993

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

White House Fellow (1978–1979)
 Army Science Board (1998–2000)

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Duratek, Inc., (1999 to Present), Director, Vice Chairman
 Santa Clara University (1999 to Present), Regent
 Kuhlman Electric Corp. (2000 to Present), Director
 Bridge Bank (2001 to Present), Director
 Gardner Technologies, Inc. (2002 to Present), Director

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

The Duquesne Club
 The Metallurgy Society
 Astronomical Society of the Pacific
 Laurel Valley Golf Club
 La Rinconanda Country Club

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Lifetime member of the Republican Party.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

2004 Republican National Committee, \$1,000
 2004 Republican National Committee, \$2,740
 2003 Republican National Committee, \$360
 2002 Republican National Committee, \$475
 2001 Republican National Committee, \$975
 2000 Republican National Committee, \$150
 Tom Campbell Campaign, \$1,000
 Campbell Victory Committee, \$2,500
 Jim Cuneen Campaign, \$450
 Victory 2000 California, \$1,000
 1999 Republican National Committee, \$150
 George W. Bush Campaign, \$1,000

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Tau Beta Pi
 Alpha Sigma Mu
 NSF Fellowship
 Outstanding Young Men of America
 Westinghouse Patent Awards
 White House Fellowship

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"A Steady-State electrochemical Study of the Kinetics of the Reaction of Water Vapor with Liquid Pb-Te Alloys" with G.R. Belton, Heterogeneous Kinetics at Elevated Temperatures, Plenum Press, 1970.

"The Rate of Vaporization of Tungsten in Argon", Met. Trans., 3:1972 (1972).

"The High Temperature Oxidation of Tungsten in O₂-Argon Mixtures" Met. Trans.4:1513 (1973).

"The High Temperature Oxidation of Tungsten in CO₂-Argon Mixtures" Met. Trans. 5:35 (1974).

"Gas Transport Controlled Oxidation of Tungsten," Gordon Research Conference, 1973.

"The Co-Ti-C System at 1100 °C, with R. Kossowsky, Met. Trans., 5:790 (1974).

"Failure of Incandescent Tungsten Filaments by hot Spot Growth," J. Illuminating Eng. Soc., 3:295 (1974).

"The High Temperature Oxidation of Tungsten in H₂O-Argon Mixtures," Met. Trans., 5:1189 (1974).

"The Kinetics of Texture Development and Sulfur Removal in Oriented Silicon Iron, with W.M. Swift and K. Foster, *Met. Trans. B*, 6B:377 (1975).

"The Role of Plasma Heating Devices in the Electric Energy Economy" with M.G. Fey, *Met. Eng. Quarterly*, 16(2):27 (1976).

"A Model of Particle Heat Transfer in Arc Heated Gas Streams" with T.N. Meyer, R.E. Kothmann and M.G. Fey, *Proceeding of Int'l Round Table on the Study and Application of Transport Phenomena in Thermal Plasmas*, Odeillo, France, September 1975.

"Mass Transfer Model of Halogen Doped Incandescent with Application to the W-O-Br Systems, *Met. Trans. A*, 7A:1167 (1976).

"A Model of Heat and Mass Transfer from Liquid Metal Droplets in Arc Heated Gas Streams," with T.N. Meyer, *Gordon Conference on Plasma Chemistry* (1976).

"Magnetite Spheriodization Using an AC Arc Heater, with M.G. Fey and C.W. Wolfe, *I&EC Process Design and Development*, 16:108 (1977).

"The Use of Complex Equilibria Calculations in the Design of High Temperature Processes," presented at the 1977 Fall Meeting of the Metallurgical Society, Chicago, October 1977.

"A Model of Liquid Metal Droplet Vaporization in Arc Heater Gas Streams" with T.N. Meyer, *Met. Trans. B* 9B:615 (1978).

"Development of a Process for High Capacity Arc Heater Production of Silicon for Solar Arrays," with M.G. Fey, T.V.N. Meyer, R.H. Read and F.G. Arcella, presented at the 13th Photo Voltaic Specialists Conference of the IEEE, June 1978.

"Thermodynamic Aspects of Gas-Metal Heat Treating Reactions," *Met. Trans. A*, 9A:1507 (1978).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

???

18. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B-F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B-F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

FRANCIS J. HARVEY.

This 29th day of September, 2004.

[The nomination of Francis J. Harvey was reported to the Senate by Chairman Warner on October 7, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 16, 2004.]

[Prepared questions submitted to Richard Greco, Jr. by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes I do. The establishment of the combatant commands, the definition of responsibilities, and most importantly, the focus on "jointness" have enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. The performance of our joint forces in the conflicts that have ensued after enactment of Goldwater-Nichols would indicate that implementation of these reforms appears to be effective.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I consider the most significant value of these reforms to be an improvement in joint warfighting capabilities. Our military is now stronger, faster, and more lethal because our Services can work better together employing joint systems and resources.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Question. Do you agree with these goals?

Answer. Yes.

Question. Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. Periodic review is always appropriate. If confirmed, I am committed to working with the Secretary of the Navy relative to any desired changes to financial management and provide appropriate recommendations.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. If confirmed, I will be responsible for advising the Secretary of the Navy on financial management matters and for directing and managing all financial activities and operations of the Department of the Navy.

Question. Assuming you are confirmed, what additional duties, if any, do you expect that the Secretary of the Navy will prescribe for you?

Answer. I am not aware of any additional duties at this time but the Secretary is involved in several defense-wide taskings from the Secretary of Defense, such as implementation of the National Security Personnel System. I would expect to support these activities as part of his leadership team.

Question. What background and experience do you possess that you believe qualifies you to perform the duties of the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. My education and professional experience from graduate school onward have been in the area of finance, particularly corporate finance. After being graduated from the University of Chicago Graduate School of Business with an MBA in finance, I worked at The Scowcroft Group, advising hedge funds on the risks of international investing. After joining Stern Stewart I began to work as a financial advisor to Fortune 500 corporations in the areas of corporate finance, performance measurement and management, and incentive compensation. I began Stern Stewart's Italian operations, bringing modern American principles of corporate finance to many major companies and banks in Italy, with significant success. We became known as the "outside CFOs." After September 11, 2001 I sought to enter government to help in the global war on terrorism and applied for the White House Fellowship, which I received and subsequently assigned to the Office of the Secretary of Defense, where I helped the Secretary and his staff with numerous diverse issues. During my year as a White House Fellow I was assigned to Baghdad where I served as an advisor in the area of private sector development, and upon my return was appointed Acting Director of Private Sector Development for the Coalition Provisional Authority Representative Office, a position which I held until the dissolution of the CPA in June 2004.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer. Since I can remember, I have been dedicated to education, self-study, and professional training, and the value that they bring for self-enhancement and performance improvement. Realizing my lack of experience within the Department of the Navy, I intend to avail myself of all resources—especially the wealth of experience held by my colleagues—to improve my expertise and preparedness for this position.

RELATIONSHIPS

Question. If confirmed, what would your relationship as Assistant Secretary of the Navy (Financial Management and Comptroller) be with each of the following?

The Secretary of the Navy.

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) is the principal assistant and advisor to the Secretary and Under Secretary of the Navy on fiscal and budgetary matters. The Assistant Secretary (Financial Management and Comptroller) also performs such other duties as the Secretary or Under Secretary may prescribe.

Question. The Under Secretary of the Navy.

Answer. Please see the answer to A above.

Question. The other Assistant Secretaries of the Navy.

Answer. If confirmed, I would ensure that their interests are represented in recommending financial alternatives to the Secretary of the Navy. I would work to ensure that financial management activities of the Department support their respective portfolios.

Question. The Chief of Naval Operations.

Answer. If confirmed, I am committed to providing the support that the CNO requires in order to execute best his duties and responsibilities and achieve the mission of the Navy.

Question. The Commandant of the Marine Corps.

Answer. If confirmed, I am committed to providing the support that the CMC requires in order to execute best his duties and responsibilities and achieve the mission of the Marine Corps.

Question. Elements of the Navy responsible for financial management and comptroller.

Answer. If confirmed, I would direct and manage immediate staff elements of my office and provide policy and oversight for all elements of the Navy and Marine Corps performing financial management functions.

Question. The Assistant Secretaries of the Army and the Air Force for Financial Management.

Answer. If confirmed, I am committed to working closely with the Assistant Secretaries of the Army and Air Force in the area of financial management to support the efforts of the Secretary of Defense and the Under Secretary of Defense (Comptroller) in order to facilitate decisionmaking at all levels and achieve the strongest cooperation between the services possible. I am committed to working to foster a cordial and productive working relationship with these colleagues.

Question. The Under Secretary of Defense (Comptroller).

Answer. In the role of Assistant Secretary of the Navy (Financial Management and Comptroller), I will, if confirmed, work closely with the Under Secretary of Defense (Comptroller) in the development and execution of the budgetary and fiscal policies and initiatives of the President, the Secretary of Defense, and the Secretary of the Navy.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. One major challenge is advising the Secretary, the CNO and the Commandant on resource decisions to provide the capability to fight the global war on terrorism in the most effective and efficient manner necessary. The other major challenge is improving our business systems to ensure that leadership of the Department of the Navy has ready access to accurate information in a timely manner. In addition, consistent with the efforts already underway at the Department of the Navy, I would, if confirmed, continue to look at ways to improve performance measurement and management.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Comptroller), the Secretary of the Navy, the Chief of Naval Operations and the

Commandant of the Marine Corps to implement the budgetary proposals and systems improvement plans of this administration.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. The Department under Assistant Secretary Aviles has made great progress in providing accurate and timely information. If confirmed, I am committed to continuous improvement in this area.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I am committed to studying the present situation and developing a strategic plan of action including a timeline.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. I understand that the Department already has a financial management improvement program that is being implemented and a plan to begin deployment of a Navy Enterprise Resource Program. If confirmed, my intent would be to lead actively and support these efforts.

CIVILIAN AND MILITARY ROLES IN THE NAVY BUDGET PROCESS

Question. What is your understanding of the division of responsibility between the Assistant Secretary of the Navy (Financial Management and Comptroller) and the senior military officer responsible for budget matters in the Navy's Financial Management and Comptroller office in making program and budget decisions including the preparation of the Navy Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program?

Answer. If confirmed, I will have the responsibility and the authority for all budget matters within the Department of the Navy. The officer who serves as the Director of the Office of Budget will serve under my direct supervision and will be responsible to me for the formulation, justification, and execution of the Department's budget. The Navy and Marine Corps officers responsible for programming will also serve as my principal military advisors in my capacity to oversee development of the Department of the Navy program objectives memoranda.

BUSINESS MANAGEMENT MODERNIZATION PROGRAM

Question. For the past 3 years, the administration has pursued a Business Management Modernization Program (BMMP) aimed, in part, at correcting deficiencies in the Department's financial management and ability to receive an unqualified "clean" audit. Two years ago, Secretary Zakheim testified before the Senate Armed Service Committee's Readiness and Management Support Subcommittee that DOD's financial management modernization would be complete by 2007. At that time, he stated, DOD would be able to provide a full, repeatable accounting of resources and funding.

Do you expect the Navy to meet that 2007 time line for financial modernization?

Answer. I would defer to OSD on the specific timeline and current status. I understand that OSD's Business Management Modernization effort has established a timeline for an initial phase that supports DOD's 2007 goal of achieving a "clean financial opinion." Modernizing financial management in the Department of the Navy will be an ongoing, long term effort with interim milestones. If confirmed, I would support this effort.

Question. If that time line cannot be met, would you support continuing the BMMP?

Answer. Establishing an architecture or framework to support our business processes and improve system integrity and interoperability makes good business sense. As I learn more about the program, it may become evident that interim course corrections may be required in which case I am committed to making appropriate recommendations.

Question. The BMMP advocates top-down leadership in establishing an enterprise architecture for business systems modernization. The Services, however, appear to be pursuing independent pilot programs for modernizing business systems, despite the risk that a Service-led approach could produce numerous incompatible systems. Do you support an OSD-led approach to business modernization?

Answer. I support OSD leadership in this area.

Question. If so, what would you do to ensure such an approach takes place?

Answer. As I have indicated, I am committed to working with my OSD colleagues to foster a professional and productive relationship. However, I am not familiar enough with the details of the program to make a recommendation that would ensure OSD leadership.

Question. A critical requirement of the BMMP is an "enterprise architecture" that would establish standards and requirements for modernization or new acquisition of business information technology systems.

In your view, why is establishing an effective enterprise architecture so important?

Answer. An enterprise architecture, as I understand it, provides the blueprint or framework within which business processes and supporting systems can be integrated and standardized.

Question. When can Congress expect to see a fully developed enterprise architecture?

Answer. I would defer to the appropriate leadership at OSD to respond to the specific timelines associated with the delivery of a fully developed architecture.

Question. One of the key facets of the BMMP is the establishment of functional domains.

Are you supportive of the current construct, or, if confirmed, would you plan to advocate revising these functional domains?

Answer. Again, I am not familiar enough with the details of this program. If confirmed, I would work with OSD leadership to make any appropriate changes.

GAO RECOMMENDATIONS FOR REFORM

Question. In testimony before the Senate Armed Service Committee's Readiness and Management Support Subcommittee this year, the Comptroller General of the United States, David M. Walker, offered two suggestions for legislative consideration which, in his words, are intended "to improve the likelihood of meaningful, broad-based financial management and related business reform at DOD." These included establishing a senior management position in the Department to spearhead DOD-wide business transformation efforts, and giving the leaders of DOD's functional areas, or "domains," control of systems investments.

What is your view of these suggestions? Do you agree with this statement?

Answer. I have only recently received a copy of Mr. Walker's testimony, and I have not had a chance to review it.

Question. Mr. Walker testified that the Department of Defense should fix its financial management systems before it tries to develop auditable financial statements. He explained that: "Given the size, complexity, and deeply ingrained nature of the financial management problems facing DOD, heroic end-of-the-year efforts relied on by some agencies to develop auditable financial statement balances are not feasible at DOD. Instead, a sustained focus on the underlying problems impeding the development of reliable financial data throughout the Department will be necessary and is the best course of action."

Do you agree with this statement?

Answer. I understand that the Department of Defense's financial systems date back many decades. As with any system of such age, legacy problems are inevitable. However, this does not mean that one does not try to achieve optimal improvement or have a vision to work towards.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

Question. If confirmed as the Assistant Secretary of the Navy (Financial Management and Comptroller), what would your responsibilities be with respect to the requirements of the GPRA to set specific performance goals and measure progress toward meeting those goals?

Answer. If confirmed, I will support the ongoing efforts of both the Department of Defense and the Department of the Navy to meet the requirements of GPRA, and I will work to ensure that performance measures are integrated into the budgetary and financial systems.

Question. What additional steps can the Navy take to fulfill the goals of GPRA to link budget inputs to measurable performance outputs?

Answer. The Department of the Navy can further expand and develop meaningful performance metrics and integrate them into the budgeting and decision making process. If confirmed, I am committed to studying what has been achieved already and to making appropriate recommendations for areas of improvement.

LEASING MAJOR WEAPON SYSTEMS

Question. What is your opinion of leasing versus buying major capital equipment?

Do you believe that leasing is/would be a viable and cost-effective option for procuring Department of the Navy equipment?

Answer. I understand that the Department of the Navy currently leases certain equipment, such as computer servers. If confirmed, I would need to look at each case individually and conduct a detailed business case analysis before being able to determine if buying or leasing is the better choice.

MILITARY PAY SYSTEMS

Question. The GAO recently completed a report that identified extensive problems with the military pay system. Modernizing the military pay system is part of the longer term Business Management Modernization Program, however, it is essential that corrections be made immediately in this system to minimize personal hardships on service men and women and their families.

What will you do to address these pay problems in both the short and long term?

Answer. I recognize that accurate and reliable pay is critical to morale and retention of our sailors and marines. If confirmed, I am committed to addressing both the short and long term problems identified in the report, and will work to ensure our personnel have the best possible military pay system.

WORKING CAPITAL FUNDS

Question. Are there any changes you would recommend in the policies governing working capital funds in the Department of the Navy?

Answer. If confirmed, it would be my intention to review carefully the policies associated with the working capital fund and determine what, if any, changes would be desirable.

Question. Do you believe the scope of activities funded through working capital funds should be increased or decreased?

Answer. Periodic review of alternative financing mechanisms is always beneficial. If confirmed, I will review the scope of activities funded through the working capital fund.

TRAVEL AND GOVERNMENT PURCHASE CARDS

Question. The increased usage of government travel and purchase cards were significant financial and acquisition reform initiatives of the past decade. Concerns, however, have been raised in the past several years about the controls put in place for both the travel and purchase cards.

What is the status of Department of the Navy's efforts to ensure proper controls are in place that will not jeopardize the benefits accrued from the proper use of these cards?

Answer. It is my understanding that the Department of the Navy, under the direction of Assistant Secretary Aviles, has made significant progress in improving the processes and controls for use of these cards. A combined effort involving senior leadership engagement, effective communications and training have resulted in reduced number of cases of misuse and record low delinquencies. If confirmed, I would support a continuation of these efforts.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to section 114 of title 10, U.S. Code, is necessary before funds for operation and maintenance, procurement, research and development, and military construction may be made available for obligation by the Department of Defense?

Answer. It is my understanding that for certain areas including military construction, new starts, and multiyear procurements, funds cannot be released until specific authorization is received. I believe it to be a key part of the overall budget process and as such it is important to have an authorization act before releasing funds.

INCREMENTAL FUNDING OF SHIPS

Question. Recently, the Department of the Navy has begun relying on incremental funding for the procurement of ships.

In your view, what are the likely benefits or advantages of incremental funding?

Answer. I have not yet had an opportunity to study an objective analysis of alternative funding mechanisms for shipbuilding but, if confirmed, I will give careful consideration to innovative methods of meeting future requirements and I look forward to working with this committee on these matters.

Question. What are the likely costs or disadvantages of such funding?

Answer. See above.

Question. How do you weigh these competing costs and benefits, and what approach do you believe the Navy should take toward incremental funding of ships?
Answer. See above.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Richard Greco, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
 SENATE OF THE UNITED STATES,
September 13, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Richard Greco, Jr., of New York, to be an Assistant Secretary of the Navy, vice Dionel M. Aviles.

[The biographical sketch of Richard Greco, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF RICHARD GRECO, JR.

Richard Greco, Jr. was appointed a White House Fellow on June 28, 2002. He was assigned to the Immediate Office of the Secretary of Defense, where he served as a special assistant to Secretary Rumsfeld. His activities comprised budgeting and finance, public affairs, litigation settlement, international aid negotiation, and economic planning for post-conflict Iraq. In May 2003, he was assigned to Baghdad where he served for 6 weeks as a special advisor to Presidential Envoy and Administrator of Iraq L. Paul Bremer in the areas of private sector development and financial sector modernization. When his White House Fellowship ended, Mr. Greco was appointed Acting Director of Private Sector Development for the Coalition Provisional Authority Representative's Office, where his role was to serve as a liaison between the international private sector and the Coalition Provisional Authority in Baghdad. After the dissolution of the Coalition Provisional Authority in June 2004, he was, asked to serve as a consultant to the Office of the Secretary of Defense in the area of public affairs.

Mr. Greco came to government service from the corporate finance advisory firm of Stern Stewart & Co., where he was a vice president and managing director. He founded and led Ambrosetti Stern Stewart Italia, a joint venture in Italy that specialized in corporate valuation, fundamental analysis, financial market research, and incentive compensation design. He was a principal advisor to companies in Italy's automotive, retail, and commercial and investment banking sectors and was a principal advisor on two corporate finance transactions for his Italian clients. In addition, Mr. Greco was a regular lecturer at the Luigi Bocconi School of Business in Milan, the LUISS University School of Management in Rome, and the Italian As-

sociation of Financial Analysts. He also served on the board of the Italian-language journal of Analytical Finance, AF. While at Stern Stewart, Mr. Greco also founded and managed the Government Services Division where he specialized in assisting government agencies and State-owned enterprises with the implementation of modern corporate finance practices.

Before joining Stern Stewart in 1997, Mr. Greco was an associate at The Scowcroft Group, an international investment advisory firm founded and directed by General Brent Scowcroft, National Security Adviser to Presidents George H.W. Bush and Gerald Ford. At The Scowcroft Group, Mr. Greco advised hedge fund managers and American corporate executives on managing the risks of investing in foreign markets. Also while at The Scowcroft Group, Mr. Greco assisted former President Bush and General Scowcroft in reviewing and editing their book on the foreign policy of the first Bush administration, *A World Transformed*.

Mr. Greco is the Founder, President, and Chairman of the Board of The Montfort Academy, a classical high school for boys in Katonah, New York. In 2001, Mr. Greco was elected to the Council on Foreign Relations term member program. He is widely published and is a frequent lecturer in the areas of post-conflict reconstruction, corporate finance, American foreign policy, and education. In 2004, he was awarded the Ellis Island Medal of Honor. Also in 2004, the National Federation of Italian-American Societies named Mr. Greco Man of the Year.

Mr. Greco holds an MBA in finance from The University of Chicago Graduate School of Business, an MA from The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, and a BS in Chemistry Summa Cion Laude, In Cursa Honorion from Fordham University. He lives with his wife Marla and their four children in Yonkers, New York.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Richard Greco in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Richard Greco, Jr.

2. **Position to which nominated:**

Assistant Secretary of the Navy (Financial Management).

3. **Date of nomination:**

September 13, 2004.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. Date and place of birth:

Bronx, NY; March 5, 1969.

6. Marital Status: (Include maiden name of wife or husband's name.)

Married to Marla DeGaetano.

7. Names and ages of children:

Mary, 4; Richard III, 3; Cecilia, 2; and Claudia, 8 months.

8. Education: List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Pelham Memorial High School, June 1987.

Fordham University, BS, May 1991.

Columbia University College of Physicians and Surgeons, no degree granted.

University of Chicago, MBA, December 1996.

The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, MA, May 1997.

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

The Scowcroft Group, Associate, May 1996–May 1997, Washington, DC.

Stern Stewart & Co., Vice President and Managing Director, July 1997–August 2002. Also co-Managing Director of Ambrosetti Stern Stewart Italia, a joint venture in Italy between Stern Stewart and an Italian consulting firm 1998–2000, New York, NY, and Milan, Italy.

Office of the Secretary of Defense, White House Fellow, September 2002–October 2003.

Coalition Provisional Authority, Acting Director of Private Sector Development, November 2003–June 2004, Washington, DC, and New York, NY.

Office of the Secretary of Defense, Consultant, July 2004–Present, New York, NY.

The Montfort Academy, Consultant, July 2004–Present, Katonah, NY.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

The Board of Governors of the United States Postal Service retained Stern Stewart & Co. in 1998 to conduct an audit of the value-based financial management system that Stern Stewart had implemented at USPS 4 years earlier. As an associate at Stern Stewart & Co. in 1998, I conducted this audit.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

The Montfort Academy, Trustee and President (will resign if confirmed).

The Children First Foundation, Trustee (will resign if confirmed).

Cancer Support Network, Director (will resign if confirmed).

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Council on Foreign Relations, Term Member.

Columbus Citizens Foundation (Membership pending).

American Turkish Council, member of Defense subcommittee.

Army Navy Club of Washington, DC.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Member of the Advisory Board, New York Young Republican Club, Inc., 2002–Present.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

Bush-Cheney 2000, \$1,000 contribution.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Ellis Island Medal of Honor, 2004.

Man of the Year Award, National Federation of Italian American Societies, 2004.

White House Fellowship, 2002–2003.

Johns Hopkins SAIS Bologna Center Half-tuition Fellowship, 1994.

Fordham University, Full Presidential Scholarship, 1987–1991.

Membership in Phi Beta Kappa, Kappa Gamma Alpha, Alpha Mu Gamma.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Italy–U.S.: the Strength of Their Relationship. *America Oggi*. October 12, 2003.

Military Compensation—The Case for a More Flexible System. *Stern Stewart Evaluation Report*. April 2001.

National Performance Review—A Step in the Right Direction. *Stern Stewart Evaluation Report*. July 2000.

The Creation of Value in the Italian Banking System. *Financial Analysis*. June 2000. (In Italian).

Best Practices in Valuation Methodology and Estimation of Cost of Capital among Italian Financial Analysts. *Journal of the Association of Italian Financial Analysts*. October 1999. (In Italian).

Estimation of the Market Risk Premium: Evidence from the United States Market. *Financial Analysis*. October 1999. (In Italian).

The Strength of EVA for the Public Sector. *Il Sole 24 Ore*. October 6, 1998. (In Italian) (with Fabio Fedel).

The Operationalization of Economic Value Added in the Firm. (In Italian). *Journal of the Association of Italian Financial Analysts*. October 1998.

Turkey at the Crossroads. *White House Weekly*. Vol. 17(27) 1996. (with Arnold Kanter).

The Markets Bet on Italy: So Do We. *International Political Economy*. Vol. 3(9) 1996. (with Marvin Zonis).

The Markets are Making a Smart Bet on Italy. *Economic Times (The Conference Board)*. Vol. 7(6) 1996.

Proceedings of the 1991 International Meeting of the Electrophoresis Society. Isolation of Metallothionein from Cadmium-contaminated Isopods. Richard Greco, Donald Clarke, Grace Vernon, and Ruth Witkus. 1991.

Proceedings of the American Association for the Advancement of Science. Bioaccumulation of Heavy Metals in Primary Consumers. Vernon G., Greco R., Heisey R., Gonazalez G. & Witkus R. 1990.

Proceedings of the 47th Annual Meeting of the Electron Microscopy Society of America. Localization of Heavy Metals in the Hepatopancreas of the Terrestrial Isopod *Oniscus asellus*. Vernon G., Greco R., & Witkus R. 1989.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

American Turkish Council (April 5, 2004)—Washington, DC, Business Opportunities in Iraq.

Coalition of Italian American Organizations—New York, NY (February 26, 2004), Perspectives on Iraqi Reconstruction.

Council for the United States and Italy at the Brookings Institution (February 12, 2004)—Washington, DC, Reflections on Rebuilding the Iraqi Economy.

Young Presidents Organization (YPO) (October 20–26, 2003)—Florence, Italy Economic Development Strategies for Emerging Countries with a Focus on Iraq.

The Forum Club (September 9, 2003)—New York, NY, The Reconstruction of Iraq—Historical Perspectives.

Ministry of Commerce, Government of Singapore (July 15, 2003), Seminar on Iraq: An Overview of Developments and Business Opportunities.

Equity International, The Iraqi Reconstruction Conference (July 2, 2003), Doing Business in Iraq. Official Coalition Provisional Authority Address to Conference.

The Jordanian-American Business Association (JABA) and the American Embassy in Amman (June 5, 2003) Keynote Speaker at a co-sponsored conference entitled, "Doing Business in Iraq."

The Jewish Institute for National Security Affairs (JINSA) (April 10, 2003), Perspectives on Operation Iraqi Freedom and on the Business of Defense.

The Council for the United States and Italy, 19th Annual Young Leaders Conference, Atlanta GA (March 30, 2003) After dinner presentation, The Bush Administration's Policy in Iraq.

National Public Radio (NPR), All Things Considered—Houston TX (March 21, 2003) The atrocities of the Saddam Hussein's regime—an interview.

Katonah, New York Public Library (March 19, 2003) The Army Corps of Engineers—the Face of America Abroad.

The Council on Foreign Relations, Washington, DC, (October 2002) Debate: Resolved, The United States Should Remove Saddam Hussein by Force Regardless of International Support.

The Montfort Academy, Katonah, NY, (October 2001, March 2002) On Being a Renaissance Man.

Excellence in Government Conference, Washington, DC—(August 2001). Introduction to the Balanced Scorecard in the Public Sector. (Corporate Sponsor of Balanced Scorecard Session at conference.)

The Italian Association of Financial Analysts—Milan, Italy (October 2000) Internet Stocks are Still Overvalued.

The Italian Association of Financial Analysts—Milan, Italy (April 2000, October 1999, May 6, 1999, February 24, 1999) Corporate Valuation in Italy—What does the market tell us about future expectations of Italian firms?

The Johns Hopkins School of Advanced International Studies—The Bologna Center (February 11, 1999) From Government Collapse in Italy to Revolution in Turkey—How do Companies deal with Country Risk.

Bocconi University—Milan, Italy (October 1998), Case studies in Economic Value Added.

Luiss Management University—Rome, Italy (July 16, 1998), Selected Methodologies of Security Analysis.

Infonex Conference—Ottawa, Canada (May 13, 1998), Measuring and Optimizing Public Sector Service Delivery.

Bocconi University—Milan, Italy (April 29, 1998), Implementing Economic Value Added in a Firm.

Fordham University—New York (November 15, 1997), The Future of the United States—Italian Relationship.

CUNY Calandra Italian-American Institute Columbus Lecture Series—New York (October 28, 1997) U.S. Foreign Policy Initiatives and their Impact on the U.S.-Italian Relationship.

Radio appearance as Special Guest on Issues that Matter, a public-interest program broadcast on 15 stations in Texas. Topic: Threats to United States National Security in the First Decade of the 21st Century (April 2, 1997).

The Young Republican National Leadership Conference—Washington DC (March 1997) United States Leadership in Foreign Policy in the 21st Century.

17. Commitment to Testify before Senate Committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

RICHARD GREGO, JR.

This 28th day of September, 2004.

[The nomination of Richard Greco was reported to the Senate by Chairman Warner on October 7, 2004, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 10, 2004.]

[Prepared questions submitted to Gen. Gregory S. Martin, USAF, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your assignments as Vice Director, Force Structure and Resources, on the Joint Staff from May 1995 through July 1996 and as Commander, U.S. Air Forces, Europe from January through August 2003.

Do you support full implementation of these defense reforms?

Answer. I fully support the implementation of the Goldwater-Nichols Act. These reforms have clearly strengthened the warfighting readiness and operational performance of our Armed Forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe the Department has embraced these reforms in both spirit and intent. As is always the case whenever a major change is implemented, the cultural transformation associated with that change requires a certain amount of educational and process evolution. As I review the conditions, as I remember them, in 1985 and compare them to the partnership and teamwork I observe between the Services today, I think we all can be proud of the progress that has been made in implementing these defense reforms.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. From my perspective as a nominee to serve as a combatant commander, I believe the clear message to all officers that their opportunity to progress to positions of higher responsibility depended on their knowledge, training and performance in the joint environment cannot be overstated and has been a major impetus for bringing about the changes envisioned by the Goldwater-Nichols Legislation. Further, in addition to strengthening civilian control and clarifying chain of command relationships, these reforms have provided a clear and unambiguous delineation of the combatant commanders' responsibilities and authorities as they relate to the planning and execution of their missions. Last, I believe we have made significant progress in building joint training, exercises and experiments in a way that brings our forces together to create tremendous synergy and quantum increases in combat power. As the Commander of United States Air Force in Europe, a component of the U.S. European Command, I saw firsthand the positive effects and synergy between the Services and the combatant commanders in the strategic and operational planning processes, in the development of requirements, and in the execution of our operations during a number of contingencies including Operations Joint Forge, Joint Guardian, Atlas Response, Enduring Freedom, and Iraqi Freedom. Goldwater-Nichols strengthened our ability to train, prepare, plan, and execute as an integrated force in a joint operational construct. I believe strongly in that model.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes. These goals have been central to the development of a more integrated, joint capability which in my mind is critical to the Services, to DOD, and most importantly, to our country as we move forward in an environment where we must be able to predict, respond and prevail against conventional, unconventional and asymmetric threats.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you think it might be appropriate to address in these proposals?

Answer. The Goldwater-Nichols Act was implemented to build a more joint military capability. It is important to constantly assess how well we have progressed since implementing the defense reforms nearly 20 years ago with regard to their intended purpose. At this point, I do not have any proposals; however, if I am confirmed, I will probably see issues from a different perspective, and at that point, I

will work closely with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to review options and alternatives for presentation to Congress.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. Pacific Command?

Answer. The duties and functions of the Commander, U.S. Pacific Command include exercising command authority over all commands and forces assigned to the Pacific Command and prescribing, organizing, and employing the subordinate commands and forces to carry out the Pacific Command's assigned mission. Fundamentally, that mission is to deter attacks against the United States and its territories, possessions, and bases, and to protect Americans and American interests and, in the event that deterrence fails, fight and win.

As a combatant commander, the Commander of U.S. Pacific Command is responsible to the President and the Secretary of Defense for the performance of these duties, the preparedness of its assigned forces, and the execution of its missions.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have had operational and command responsibilities for nearly 23 of my 34 years of service. In addition to many overseas deployments, I have been stationed overseas for nearly 9 years including more than 4 years in the Pacific. In addition to flying a tour of combat during the Vietnam conflict, I served in various positions culminating as Commander, 67th Tactical Fighter Squadron at Kadena AB, Okinawa between 1981 and 1985. Since that period, I was fortunate enough to have commanded three fighter wings, two of which had global deployment responsibilities. As my career transitioned from tactical orientation to operational and strategic duties, I served on the Joint Staff and then just before my current position, I was the Commander of U.S. Air Forces in Europe with a second hat as the Commander of NATO's AIRNORTH Headquarters. While in Europe, I was responsible to the Commander of the U.S. European Command, for the planning and execution of all U.S. and combined air and space operations in support of European contingencies, such as Operations Joint Forge, Joint Guardian and Northern Watch. Additionally, I was responsible for planning and executing, the air operations required through Europe to support the U.S. Central Command in conducting Operations Enduring Freedom and Iraqi Freedom. While in Europe, I worked with Air Chiefs, Chiefs of Defense and, in many cases, Ministers of Defense or Heads of State to cement relations, improve interoperability and achieve valuable access for basing and overflight rights. I believe the opportunities I have had in planning and conducting operational activities, coupled with the senior level responsibilities I have been assigned in joint and combined contingencies have prepared me for combatant commander duties.

If confirmed as the Commander of the U.S. Pacific Command, I will work to continue the strong relationships and partnerships that have been established by Admiral Fargo and his predecessors across the Pacific region. Further I will ensure the preparedness of the forces assigned to the U.S. Pacific Command to execute contingency and operational plans in support of that command's assigned mission. Lastly, I will ensure PACOM continues to capitalize on the broad regional expertise and continuity afforded by component commanders and subunified commanders to make certain our National and theater security interests are met.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, U.S. Pacific Command?

Answer. If confirmed and before taking command, I will have met with each of the Service Chiefs, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, many of the Defense Agency heads as well as the OSD and State Department Pacific and East Asia Policy heads to ensure my understanding of U.S. positions and relationships with the Pacific Theater nations. Next I will complete a thorough orientation with each of the PACOM staff divisions, subordinate organizations and component commanders to ensure I am fully conversant with the issues and challenges they face on a daily basis. Importantly, I will master theater operational and contingency plans needed to fight and win any conflict that may arise. Last, I will develop a carefully constructed trip schedule to meet with appropriate military and civilian leadership of the nations throughout the Pacific region to better understand their concerns while continuing to present a consistent message of U.S. policy. I expect this transition to take several months as I pursue every opportunity to expand my knowledge and understanding.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Pacific Command, to the following officials:

The Secretary of Defense.

Answer. The chain of command flows from the President to the Secretary of Defense to the combatant commanders. The Secretary is my immediate supervisor and I will report directly to him and provide the best possible military advice to execute my duties and responsibilities in the Pacific. As is custom and traditional practice, I will communicate with the Secretary through the Chairman of the Joint Chiefs of Staff.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense, on occasion, serves as the acting Secretary in the absence of the Secretary. During these periods my relationship with the Deputy Secretary will essentially mirror my relationship with the Secretary. I will endeavor to provide him with the best possible military advice and the same level of support as I would the Secretary. Otherwise, I will support, consult with, and coordinate with him in those areas and issues that the Secretary has assigned him to lead for the Department.

Question. The Under Secretary of Defense for Policy.

Answer. The Under Secretary of Defense for Policy, USD(P), is the principal staff assistant and advisor to the SECDEF and DEPSECDEF for all matters concerning the formation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives. CDR PACOM works for SECDEF, but within these key areas of USD(P) responsibility, CDR PACOM ensures that his staff works closely with OSD/P and Joint Staff counterparts in responding to SECDEF initiatives and queries, as well as in advancing PACOM initiatives. An example of such close coordination is the ongoing initiative to improve global force posture.

Question. The Under Secretary of Defense for Intelligence.

Answer. The Under Secretary of Defense for Intelligence is the principal advisor to the Secretary of Defense on DOD intelligence issues. The Under Secretary is my initial point of entry into OSD for intelligence policy, organizational, and functional issues. The Under Secretary also transmits the Secretary's instructions to DOD intelligence activities.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is the principal military advisor to the President, National Security Council, and Secretary of Defense. Title 10, sec. 163, allows communications between the President or the Secretary of Defense and the combatant commanders to flow through the Chairman in accordance with the Unified Command Plan. If confirmed, I intend to keep the Chairman fully involved and informed by providing appropriate recommendations regarding requirements, strategy, doctrine, tactics, techniques, and procedures for the joint employment of Pacific Command forces.

Question. The Secretaries of the Military Departments.

Answer. Title 10, sec. 165 provides that, subject to the authority, direction, and control of the Secretary of Defense, and subject to the authority of combatant commanders, the Secretaries of Military Departments are responsible for the administration and support of the forces assigned to combatant commands. This responsibility is routinely exercised within Service lines via the subordinate Service component commander. On occasion it is important to exchange views personally and directly with a Service Secretary on issues involving the preparedness of forces and their administration and support.

Question. The Chiefs of Staff of the Services.

Answer. The Service Chiefs are responsible, in accordance with Goldwater-Nichols, to organize, train, equip, and provide trained and ready forces for combatant commanders to employ in their area of responsibility. The full support and cooperation of the Service Chiefs is important to the preparedness of assigned combat forces and the missions directed by the Secretary of Defense. Also, as members of the Joint Chiefs of Staff, the Service Chiefs have a lawful obligation to provide military advice to the Secretary of Defense and President. Individually and collectively, the Joint Chiefs are a source of experience and judgment that can and should be called upon. If confirmed, I intend to conduct a full dialogue with the Chiefs of all Services.

Question. The other combatant commanders.

Answer. If confirmed, my relationship with the other combatant commanders will be one of mutual support, continued dialogue, and frequent face-to-face interaction. In today's security environment, with special regard to the global campaign against terrorism, an atmosphere of teamwork, cooperation, and sharing is critical to executing U.S. national policy. As a supporting commander, I will do my utmost to assist other commanders in the execution of their assigned missions. As a supported commander, I would expect the same from fellow combatant commanders.

MAJOR CHALLENGES AND PROBLEMS

Answer. I have reviewed and agree with Admiral Fargo's five top command priorities for PACOM. They are:

- Sustaining and Supporting the War on Terrorism
- Improving Readiness and Joint Warfighting Capability
- Improving Quality of Service for our Men and Women
- Reinforcing the Constants in Asia-Pacific Security
- Promoting Change and Improving our Asia-Pacific Defense Posture

These goals positively address challenges that continue to impact peace and stability in Asia and the Pacific. Challenges include:

- Stability on the Korean Peninsula. Although the likelihood of war is low, the stakes would be high if war occurred, even higher if North Korea continues to pursue nuclear weapons capabilities. Additionally, North Korea raises the risk of WMD proliferation, and for that reason brings a global dimension to this challenge.
- Terrorism. Militant extremists are at work in South East Asia, seeking to disrupt peaceful, law-abiding communities striving for freedom and economic prosperity. U.S. Pacific Command must continue to coordinate with other combatant commanders and employ the entire spectrum of American strength and resources, in cooperation with our regional friends and allies to defeat this threat.
- Potential for miscalculation, particularly across the Taiwan Straits or in Kashmir. Rapid military modernization or breakdown in regional relationships could build momentum and add to a risk of hostilities.
- Transnational threats—such as proliferation, trafficking in humans or drugs, or piracy—recognize no borders. We require a changed approach to meet these complex security challenges.

Global Force transformation is key to meeting the challenges above. I anticipate a broad and continuing effort to implement proposed changes for an enduring, enhanced U.S. force posture that can respond to the new threat context of the 21st century.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. As is evident, the problems and challenges facing the U.S. Pacific Command reflect a new security environment, substantially different than that of the 20th century Cold War. This new environment is complex, necessitating transformation of our posture and processes. Our alliances and friendships with regional neighbors remain eminently important, and a joint approach to solving problems remains key.

Working closely with the Secretary and Chairman, I will continue force posture transformation to best meet the challenges of this 21st century security environment. Specifically, I intend to:

- Continue posturing forces in a manner that ensures agility, flexibility, and readiness. These forces must be rapidly deployable bringing concentrated combat power in light, transportable packages.
- While consulting closely with friends and allies, seek a U.S. military presence that is not only enduring but also capable. This presence will reflect the strength and capacity of our friends who share our common views and welcome a U.S. presence.
- Posture military force so it is relevant both within and across the region, and able to support national needs anywhere around the globe.
- Continue to build on already strong regional relationships through meaningful and substantive dialogue within the Pacific Command area of responsibility. Principle to these efforts is a cogent and effective theater security cooperation plan.
- Continue to assess and improve our plans, focusing on capability and places, not bases.

- Work closely with the interagency process to solve complex, transnational problems. These issues require long term, multi-faceted solutions that involve concerted efforts across a wide variety of government and international entities.

HOMELAND DEFENSE

Question. What is your understanding of the role and responsibility of PACOM in homeland defense?

Answer. PACOM's role in homeland defense is defined in the Office of the Secretary of Defense Strategic Guidance Statement for Homeland Defense Planning. This guidance tasks development of plans and options to detect, deter, prevent and defeat conventional and asymmetric attacks against the homeland. Our aim is early detection and defeat of our enemies far from U.S. shores. PACOM's plan is fully integrated with the ongoing global war on terrorism, combating weapons of mass destruction, homeland security, and relevant combatant commander contingency plans and activities. In performing its homeland defense task, PACOM works closely with and conducts training with State and local authorities.

Question. How do PACOM and NORTHCOM ensure that their overlapping missions in this area do not inadvertently create "seams" that might be exploited by our adversaries?

Answer. PACOM is coordinating with NORTHCOM to ensure a seamless strategy for defense in depth of the U.S. In October 2003, a Command Arrangement Agreement was signed which established procedures and delineated responsibilities. It prescribes the arrangements necessary to support the employment of PACOM forces in support of NORTHCOM missions and the control of forces operating in NORTHCOM's Area Of Responsibility and Joint Operations Area. Further it establishes the methodology under which the transfer of forces between PACOM and NORTHCOM will be executed for homeland defense and civil support.

Question. What are your thoughts on the proposal to create a "maritime NORAD?"

Answer. I am aware of a maritime NORAD concept, but do not believe a concrete proposal has been developed. If confirmed I will ensure my staff coordinates closely with NORTHCOM and others during development of the concept. Maritime domain awareness is a significant issue for PACOM. I support the previous commander's Regional Maritime Security Initiative (RMSI) to combat transnational threats and enhance maritime security awareness and capacity. Secure waterways are vital to peace and prosperity in the Asia-Pacific region. RMSI will improve our view of the sea space and is gaining momentum in the Asia-Pacific theater.

Question. How could PACOM forces and expertise contribute to such an organization?

Answer. Though the concept is still under development, a PACOM Maritime Intelligence Fusion Center Pacific and the Pacific Shipping Coordination Center, will likely contribute to such an organization once the concept has matured. Additionally, PACOM Joint Interagency Task Force-West and the U.S. Coast Guard may also support the concept. PACOM does have forces, expertise and experience to contribute to such an organization.

GLOBAL DEFENSE POSTURE REVIEW

Question. What are the implications of the proposed global force structure changes in the U.S. Pacific Command's area of responsibility?

Answer. As Admiral Fargo recently noted, the new threat context demands profound and enduring improvements in the way we command, equip, employ, and station our forces. My understanding of the concept is that we will be able to capitalize on the value of our major improvements to warfighting capabilities brought about by such things as: precision weapons, increased lethality from range, rapid mobility, enhanced presentation of the battlespace picture and more responsive command and control. These joint capability enhancements will allow us to array our forces in a way that places less emphasis on "near-location" before hostilities start, and more emphasis on responsive movement of lethal force to the point of greatest effect when required. This concept also recognizes the growth and improvement in the capabilities of our allies' ability to perform essential warfighting tasks. This shift does require, however, strong partnerships with our friends and allies to assure access when needed. But in general, this concept allows us to rely on speed, mobility, precision, and lethality in a way that allows us to pursue a "places versus bases" strategy.

NORTH KOREA

Question. What is your assessment of the current security situation on the Korean peninsula and the diplomatic efforts to persuade North Korea to verifiably dismantle its nuclear weapons program?

Answer. North Korea's nuclear weapons and missile programs along with the potential for proliferation is a serious global concern. Further, North Korea has continued to pursue nuclear technology and nuclear weapons development in a way that can only be destabilizing to the region if not checked. While the Six-Party talks continue, I believe the forces of the Pacific Command, in consonance with the Republic of Korea (ROK) forces, and other Asian partners must provide a credible deterrence and be prepared to respond as directed by our national leadership. I believe the job of PACOM is to ensure diplomacy is backed by viable military capabilities.

Question. What is your assessment of the threat posed to the United States and its allies by North Korea's ballistic missile capabilities and the export of those capabilities?

Answer. The Korean peninsula is a place where the likelihood of war may be low, but the stakes of such a war are extremely high. I believe North Korea's continuing development and proliferation of ballistic missile capabilities poses a serious threat to U.S. allies now and to the U.S. in the near future.

Question. What, if anything, should be done to strengthen deterrence on the Korean peninsula?

Answer. I believe that having other regional partners' support for the U.S.-ROK alliance will contribute to both deterrence and regional stability. I also support continuance of global force posture transformation in full consultation with the ROK Government while strengthening this alliance.

SOUTH KOREA

Question. What is your understanding of the U.S. security relationship with South Korea?

Answer. The ROK-U.S. security relationship as it has evolved over the past 50 years has helped to create one of the world's most successful nations. As a result, the Republic of Korea has become one of the United States' strongest and most helpful allies. The Republic of Korea has become the third largest contributor of forces in Iraq, while also sending support forces to Afghanistan, the Western Sahara and East Timor. The ROK has continued an aggressive effort to modernize its military forces in a way that allows the U.S. to relocate some of our forward based forces without sacrificing stability or weakening deterrence.

Question. If confirmed, what measures, if any, would you take, in conjunction with the Commander of U.S. Forces Korea, to improve the U.S.-South Korean security relationship?

Answer. The relationship between the Commander U.S. Pacific Command, and Commander of U.S. Forces Korea is unique and vital. The Pacific Command commander's responsibilities are regional in nature and include the security situation on the Korean peninsula. The Commander in Chief, U.N. Command/Combined Forces Command primary focus is on deterrence of a North Korean attack specifically on the Korean peninsula, and should that deterrence fail, the ability to fight and win against that threat. He is also a subordinate unified commander to Pacific Command in his role as the Commander of U.S. Forces Korea.

Our strong alliance with the Republic of Korea has assured 50 years of peace and prosperity for the South Korean people. I will remain fully committed to this important alliance and defense transformation to include weapons systems enhancements and consolidation of our footprint south of the Han River. Such transformation will enhance power projection, readiness, and deterrence.

CHINA

Question. How would you characterize the U.S. security relationship with China?

Answer. We have a constructive relationship with China and we are working to promote shared interests with this growing regional and economic power. Although the economic relationship between the U.S. and China is expanding, there are still hurdles to overcome with regard to China's massive growth in military spending, its intentions towards Taiwan, and its strategy of increasing regional influence in Asia and the Pacific.

Question. What is the current state of U.S.-China military-to-military relations?

Answer. From my discussions with Admiral Fargo, I would characterize our military-to-military relations as modest and limited to non-warfighting venues, such as high-level exchanges and humanitarian assistance/disaster relief cooperation. In the

past year, I am aware of several U.S.-China reciprocal ship visits to Zhanjiang, Shanghai and Guam, along with several other senior military officer exchange visits.

Question. Do you favor increased military-to-military contacts with China?

Answer. Normal military-to-military contact with the Chinese military is dependent upon our laws and the interests of the United States. In general, such contact should be both transparent and reciprocal in nature. Under these guidelines, I am supportive of a modest military-to-military relationship. It is clear to me that frank discourse clearly aimed at preserving peace and stability throughout the region should be the way ahead.

Question. How do you assess the current cross-strait relationship, and how can we help to prevent miscalculation by either side?

Answer. Cross-strait relations continue to be an area of concern and a sticking point in our efforts to improve relations with China. I believe we prevent miscalculation by continuing frank, open communication with both parties and by maintaining a constant signal of deterrence with ready, credible forces. The foundation of our discourse is and will continue to be the Taiwan Relations Act and the three U.S./China communiqués. As President Bush clearly stated, the United States opposes any attempt by either side to unilaterally change the status quo in the Taiwan Strait.

Question. What is the proper balance, in your view, between helping Taiwan defend itself and preventing miscalculation by the Taiwanese government?

Answer. We should continue to focus our assistance on modernizing Taiwan's defensive capabilities, in view of the very rapid pace of China's military modernization during these past 5 years. However, we need to continue to make it clear that the U.S. will come to the assistance of Taiwan only if an unprovoked attack occurs.

Question. China's economy is growing by as much as 10 percent per year, and China it is using that economic growth to fund a substantial military modernization. In your view, what is China's intent in pursuing such a rapid military modernization?

Answer. In my view, China's rapid military modernization is motivated by their desire to determine its own destiny without undue influence from outside nations. With that in mind, I believe they want to have greater influence over the course of events within the Asia-Pacific region and they want to insure their own defense as they observe other nations in the region grow and gain access to sophisticated weaponry such as the nuclear weapons possessed by India and Pakistan. That said, we can not be complacent with regard to China's modernization.

Question. On April 1, 2001, a Chinese jet collided in mid-air with a U.S. Navy EP-3 aircraft endangering the U.S. personnel and resulting in the death of the Chinese pilot.

What steps have been taken to prevent incidents of this nature from occurring in the future?

Answer. The Military Maritime Consultative Agreement (MMCA), in existence since 1996, was established expressly for the purpose of reviewing tactics and procedures to ensure safety of Chinese and U.S. ships and aircraft operating in proximity of each other. After the tragedy, a special session was convened utilizing the MMCA to specifically address the issues of surveillance aircraft and interceptors. New agreed-upon separation distances and rules of engagement resulted. In subsequent months and years, adherence to these new rules has been very closely monitored and both sides have acted with a reinforced sense of responsibility.

Question. What steps, if any, still need to be taken?

Answer. Each nation must be vigilant with regard to violations, determined in their demarches and held accountable for those violations. This is a safety-of-life issue. For the moment, the MMCA remains the venue for bilateral dialogue focused on operational safety.

TAIWAN

Question. What are the priorities, in your view, for U.S. military assistance to Taiwan?

Answer. I believe we should continue to focus our assistance on modernizing Taiwan's air defense system, their command, control, communications, computer, intelligence, surveillance and reconnaissance (C⁴ISR) capability, improving their missile defense capability, and assisting them in the improvement of their anti-submarine (ASW) capabilities.

REPUBLIC OF THE PHILIPPINES

Question. What is the current state of U.S.-Philippine military-to-military relations and activities?

Answer. The U.S. and the Philippines have a solid military-to-military relationship centered on the Philippine Defense Reform (PDR) initiative. U.S. support of this initiative is important as the Armed Forces of the Philippines (AFP) work to improve their equipment, training, logistics and command and control capabilities in an effort to create a long term capacity to deal with insurgents and while maintaining stability. U.S. military support through Security Assistance training, Humanitarian Civilian Assistance projects and Special Operations Forces operations and intelligence fusion teams are having a positive impact on the Philippines' ability to counter terrorist and insurgent activities within their nation.

Question. Do you believe that the U.S. military should support Philippine efforts to fight the Abu Sayaff Group and other terrorists in the Philippines? If so, how?

Answer. Yes, I believe we should support the Philippine effort to fight terrorist activities in the Philippines. As outlined above, however, that support should be limited to providing training, intelligence fusion and logistics support to the Armed Forces of the Philippines as they pursue counter terrorist activities.

INDONESIA

Question. Is the Indonesian government fully cooperating with the United States in the global war on terrorism?

Answer. I believe the Indonesian government's position and support for the global war on terrorism has been helpful since the 2002 Bali terrorist attack and their response to the most recent attacks on the Marriott Hotel and the Australian embassy demonstrates their resolve. The recent elections bode well for strengthening their support on the global war on terrorism.

Question. If confirmed, what would you do to encourage respect for human rights in the Indonesian military?

Answer. I believe it is important to continue security cooperation activities with the Indonesian military (TNI) that demonstrate the importance of civilian control of the military, respect for the rule of law and human rights. The PACOM 2-year plan for Security Cooperation with Indonesia lays out a carefully designed approach to improving senior level exchange opportunities while encouraging a coherent series of educational conferences, seminars and workshops, all oriented towards instituting civilian control of military and adhering to the rule of law in conducting military activities. One of my early objectives, if confirmed, would be to better understand how well we have been able to proceed with the objectives of the 2-year plan and determine in conjunction with the Joint Staff, OSD and the Ambassador if alterations should be considered. We should continue to serve as a role model for the TNI, shaping their reform through positive engagement in accordance with Department of Defense, Department of State regulatory procedures and the Leahy Amendment.

Question. If confirmed, would you recommend more or less military-to-military contacts with Indonesia? What would you want to achieve with any recommended change?

Answer. In general, I believe that increased military-to-military contacts serve to benefit TNI reform, bi-lateral relationships, and regional stability. But those contacts should be tempered by clear objectives and progress towards the basic principles we hold dear. We should be supportive of Indonesia's efforts to strengthen its democratic institutions, and reinforce the concept of a military force subservient to the civilian government with an abiding respect for the rule of law. Given the strategic location of Indonesia and the opportunity to establish an important democratic model in the world's most populous Muslim nation, I believe we should be proactive within the dictates of congressional and Title 10 authorities in building our military-to-military relationships.

GLOBAL STRIKE AND MISSILE DEFENSE

Question. Unified Command Plan 2002 Change-2 assigns to Strategic Command overarching responsibility for planning, integration, and coordination of global ballistic missile defense as well as planning, command and control, and conduct of prompt global strike. However, many of the details of Strategic Command's relationships with other combatant commands with respect to these new responsibilities remain to be worked out.

What is your understanding of the current relationship between the commander of PACOM and the commander of STRATCOM with respect to ballistic missile defense deployment and operations?

Answer. The current command arrangements provide the flexibility to respond to diverse challenges using the full power of the United States. PACOM is responsible for the defense of U.S. territory and interests within its AOR including the missile defense of Hawaii. In those responsibilities, PACOM is supported by STRATCOM, as is NORTHCOM, in the planning, integration, and coordination of global ballistic missile defense operations and support (sea, land, air and space based) for missile defense and for developing desired characteristics and capabilities for global missile defense and support for missile defense.

Question. What is your understanding of the current relationship between the commander of PACOM and the commander of STRATCOM with respect to global strike operations and mission planning?

Answer. STRATCOM will be the supported commander for Global Strike course of action development in full partnership with the affected Geographic Combatant Commander (GCC). PACOM, in coordination with other GCCs, functional COCOMs, and government agencies, will participate in Global Strike collaborative planning in order to provide appropriate close, timely coordination during course of action development. The Secretary of Defense will designate supported and supporting relationships for execution upon course of action selection. The affected GCC will normally execute subsequent Global Strike operations as the supported commander in his Area of Responsibility. If directed, CDRSTRATCOM shall exercise command and control of selected Global Strike missions, as directed by the Secretary of Defense, in close coordination with the affected GCC.

Question. Would you recommend any changes in these relationships?

Answer. Not at this time. For both Ballistic Missile Defense and Global strike, the current command arrangements provide the flexibility to respond to diverse challenges using the full power of the U.S.

SPACE

Question. The U.S. military is dependent on space assets for communications; intelligence, surveillance and reconnaissance; navigation; and weather data.

Geographical distances in the Pacific theater make this reliance even more pronounced in Pacific Command.

What are the strengths and weaknesses, in your view, of the support Pacific Command receives from U.S. military and intelligence space assets?

Answer. Clearly, the advantage of having space assets is our ability to have access to information, communications, and intelligence without violating the sovereignty of or depending on other nations. In the PACOM area of responsibility, where they face the "tyranny of distance" in all they do, the use of space systems is crucial in their ability to plan, coordinate and properly command and control the full spectrum of their responsibilities. With that in mind, it must also be said that with the worldwide explosion in information technology, along with the shadowy activities associated with transnational threats and global terrorists, our current space communications and intelligence assets are seriously constrained in their ability to deliver the quantum increases of information available and necessary to conduct all missions required of the PACOM. Further, our intelligence satellites are limited in number, capacity and exploitation capability to be able to cover all of the areas of interest necessary for our national leadership and combatant commanders to be as prepared as desired to counter emerging threats.

Question. What actions would you recommend to correct any weakness you have identified?

Answer. As the Department of Defense proceeds with the Future Imagery Architecture, MILSATCOM upgrades, Transformational Satellite communications, space based radar, operationally responsive space, the joint warfighting space initiative and the horizontal integration of those capabilities with airborne assets, we will begin to reduce the shortages we face in sensor, bandwidth and exploitation availability and capability, and I support these efforts.

Question. The Air Force and Congress have taken a recent interest in "operationally responsive space."

Do you believe that operationally responsive space launch and payloads could contribute to Pacific Command's military capabilities?

Answer. Yes, an operationally responsive space concept would provide PACOM with a way to mitigate our communications and intelligence, surveillance and reconnaissance shortfalls. Having a readily available supply of mission-specific satellites and the ability to place them in orbit when required, instead of using the current,

and rather inflexible, launch schedule, would give the theater a much needed ability to fill in gaps in space-based support

SOCOM

Question. What is your understanding of the relationship between Special Operations Command teams working to fulfill the global terrorism mission, U.S. Pacific Command, and the Ambassadors in the relevant countries?

Answer. The relationship between Special Operations Command teams, U.S. Pacific Command and Ambassadors in relevant countries has been well received and productive. U.S. Pacific Command works efficiently and effectively to ensure all SOF operations are fully coordinated and supported by Joint Staff, SOCOM, and U.S. Ambassadors in relevant countries. If confirmed, I intend to maintain a close relationship with Ambassadors in theater.

Question. Under what circumstances in executing the global war on terrorism would the Pacific Command support SOCOM?

Answer. PACOM fully supports SOCOM in their role as lead for GWOT planning. In some cases, where a counterterrorism action occurs across an AOR boundary or if control of forces is more easily exercised from SOCOM Headquarters at MacDill AFB, SECDEF may direct PACOM forces to support SOCOM operations.

Question. Do you foresee circumstances in the global war on terrorism where PACOM would be the supported command? If so, under what circumstances?

Answer. Yes. In situations where a theater or regional operation requires unique capabilities beyond PACOM's Special Operations Forces, I would anticipate the SECDEF directing SOCOM to support PACOM operations. In cases where SOCOM is supported, PACOM's security cooperation arrangements will play an important role in supporting SOCOM and in ensuring the long-term goal of peace and stability in the Pacific theater.

PRISONER OF WAR/MISSING IN ACTION (POW/MIA) ACCOUNTING EFFORTS

Question. If confirmed, what plans do you have to enhance POW/MIA efforts in the area of responsibility (AOR) of the Pacific Command?

Answer. I am aware that since the creation of the Joint POW/MIA Accounting Command in October 2003, the Commander of the U.S. Pacific Command now has worldwide responsibilities with regard to the proper accounting for our POW/MIAs. Although I have a great deal to learn regarding the details of JPAC's operations, I fully understand the priority our Nation places on this issue. It is my solemn belief that the noble mission of JPAC and the U.S. Governments' commitment to accounting for our missing from past conflicts is a powerful signal to our Nation's military and their families that we believe strongly in the full accounting for each and every person who serves this Nation.

Question. What steps need to be taken to further accomplish the objective of finding or accounting for all POW and MIAs in the PACOM AOR?

Answer. As I learn more about the agreements and relationships we have made with other nations and organizations which allow the JPAC to accomplish its mission, I will work to improve the security cooperation arrangements and to support technological enhancements that might offer the JPAC greater access and opportunity to discover our missing warriors.

In the context of maintaining and improving PACOM's engagement strategy, and fully recognizing the POW/MIA effort as humanitarian, I will establish an environment to encourage full cooperation by the host nations where we conduct POW/MIA activities and continue to reinforce the U.S. Government priorities as I meet and talk with the leaders of these countries.

I will ensure that JPAC is fully resourced to accomplish its mission and pledge that we will not compromise the integrity of the mission or the ability of the U.S. Government to provide the fullest possible accounting to the families of our Nation's unaccounted for.

POLICIES REGARDING SEXUAL ASSAULT

Question. The previous Commander of the U.S. Air Forces, Pacific, conducted a comprehensive survey on the incidence of sexual assault in the U.S. Pacific Command AOR in 2003. The Air Force recently completed a Report Concerning the Assessment of USAF Sexual Assault Prevention and Response which concluded, among other findings, that the Air Force must develop a sexual assault prevention and response policy, integrate databases to report and track rapes, and develop victim treatment and assistance capabilities.

How do you assess the progress of the Air Force in responding to the problem of sexual assaults in the ranks?

Answer. First, let me say that the U.S. Air Forces Pacific effort served as a model for what we did across the Air Force. While we have made progress in the Air Force on responding to the problem of sexual assaults in our ranks, I and other senior leaders have attempted to accelerate our efforts. Our Secretary and Chief of Staff have taken aggressive steps to address the problem and established a 3-star level working group with all Major Air Command Vice Commanders to look at the problem in-depth. The USAF approach is founded on our Air Force core values: Integrity, Service, and Excellence—which are used more explicitly to develop, train, and reinforce expected behaviors. At the next level down we are focused on a concept we call the “Culture of Airmen” which means, essentially, that airmen take care of airmen, and one airman should never hurt another airman. Our first priority has to be to take care of one another—in all situations. That effort is long-term. Finally, the Air Force is determined to offer sensitive care to those victims of assault from notification until no longer needed, however long that may take. The United States Air Force has always had a policy of zero-tolerance for any type of harassment, including sexual harassment, and of course sexual assault is a criminal violation of the Uniformed Code of Military Justice, and we aggressively pursue and prosecute members who commit this crime.

Question. If confirmed as Commander, U.S. Pacific Command, what steps would you take to ensure the Army, Navy, Air Force, and Marine Corps forces under your command are appropriately implementing policies aimed at preventing sexual assaults and appropriately responding to victims of sexual assault?

Answer. As one of my very first actions, if confirmed, I would reissue under my signature the memo Admiral Fargo sent to all commanders across Pacific Command directing a zero-tolerance policy for sexual harassment and requiring swift justice and harsh punishment for those who fail to comply or who commit sexual assault. I would also direct that we take all actions to protect our people from assault and, if necessary, consistently and appropriately respond to victims of sexual assault. Let me be clear. Sexual assault is a crime and will not be tolerated. I will ensure appropriate measures are taken when a sexual assault is reported to include ensuring that allegations are fully investigated and all available services for sexual assault victims are made available. I am strongly committed to ensure that comprehensive measures are implemented to prevent sexual assault, provide responsive care and treatment for victims of sexual assault, and hold accountable those who commit the crime of sexual assault.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Commander, U.S. Pacific Command?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Gen. Gregory S. Martin, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 7, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be General.

Gen. Gregory S. Martin, 6337.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, UNITED STATES AIR FORCE,
Washington, DC, 20 August 2004.

The Hon. JOHN WARNER,
*Chairman, Committee on Armed Services,
United States Senate,
Washington, DC.*

DEAR MR. CHAIRMAN: The President, under the provisions of section 601, title 10 of the United States Code, has submitted to the Senate the nomination of General Gregory S. Martin from Commander, Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio, to Commander, United States Pacific Command, Camp H.M. Smith, Hawaii.

General Martin is replacing Admiral Thomas B. Fargo, United States Navy, upon his departure. Confirmation action during September 2004 will help ensure a smooth transition for General Martin. This action will not result in the Air Force exceeding the number of generals authorized by law.

For the information of the committee, I am enclosing a military history on General Martin.

Sincerely,

ROGER A. BRADY,
*Lieutenant General, USAF,
Deputy Chief of Staff, Personnel.*

Attachment:
Military History.

[The biographical sketch of Gen. Gregory S. Martin, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF GEN. GREGORY S. MARTIN, USAF,

Date and place of birth: 24 April 1948; Fort Myer, VA.

Years of active service: Over 34 years as of 3 June 2004.

Schools attended and degrees: USAF Academy CO, BA, 1970; Central Mich Univ, MAS, 1977; Squadron Officer School, 1974 National War College, 1986.

Joint specialty officer: Yes.

Aeronautical rating: Command Pilot.

Major permanent duty assignments:

	From	To
Stu UPT, 3641 STUS, ATC, Laredo AFB TX	Jun. 70	Sep. 71
Stu Plt, Tac Fight, 4546 TTS, TAC, George AFB CA	Sep. 71	Oct. 71
Stu Plt, Tac Fight, 35 TFS, TAC, George AFB CA	Oct. 71	May 72
Acft Cmdr, F-4E, 469 TFS, PACAF, Korat RTAFB TH	May 72	Oct. 72
Acft Cmdr, F-4D, 555 TFS, PACAF, Udorn RTAFB TH	Oct. 72	Oct. 72
Acft Cmdr, F-4D/E, 421 TFS, PACAF, Udorn RTAFB TH	Oct. 72	Jun. 73
Acft Cmdr, F-4D, 417 TFS, TAC, Holloman AFB NM	Jun. 73	Jun. 75
Inst Plt, F-4D, TAC, Holloman AFB NM	Jun. 75	Nov. 75
Asst Flt Cmdr, Inst Plt F-4D, TAC, Holloman AFB NM	Nov. 75	Jul. 76
Air Ops Off, Tac Div, ASTRA, HAF, Pentagon DC	Jul. 76	Jan. 77
ASTRA Spl Asst DCS P&O, HAF, Pentagon DC	Jan. 77	Aug. 77
Aide to Chief of Staff, HAF, Pentagon DC	Aug. 77	Sep. 78
Exec Off, 461 TFW, TAC, Luke AFB AZ	Sep. 78	May 79
F-15 Flt Cmdr, Inst Plt, 461 TFW, TAC, Luke AFB AZ	May 79	May 80
F-15 Inst Plt, Asst Ops Off, 461 TFW, TAC, Luke AFB AZ	May 80	Dec. 81

	From	To
Asst Ops Off, 67 TFS, PACAF, Kadena AB JA	Dec. 81	Apr. 82
Asst Ops Off, Inst Plt F-15C, 67 TFS, PACAF, Kadena AB JA	Apr. 82	Sep. 82
Chief Ops Tng Div, 18 TFS, PACAF, Kadena AB JA	Sep. 82	Jun. 83
F-15 Ops Off, 12 TFS, PACAF, Kadena AB JA	Jun. 83	Jan. 84
Cmdr 67 TFS, PACAF, Kadena AB JA	Jan. 84	May 85
Asst Dep Cmdr for Ops, 67 TFS, PACAF, Kadena AB JA	May 85	Jul. 85
Student, National War College, Ft McNair DC	Jul. 85	Jul. 86
Ch, CONUS Bases Div, HQ USAF, Pentagon DC	Jul. 86	Apr. 87
Ch, Tac Forces Div, HQ USAF, Pentagon DC	Apr. 87	Jul. 88
Vice Cmdr, 49 TFW, TAC, Holloman AFB NM	Jul. 88	Jul. 89
Exec to Comdr, TAC, Langley AFB VA	Jul. 89	Apr. 90
Asst DCS, Plans, TAC, Langley AFB VA	Apr. 90	Aug. 90
Cmdr, 479 TTW, TAC, Holloman AFB NM	Aug. 90	Aug. 91
Cmdr, 33 TFW, TAC, Eglin AFB FL	Aug. 91	Oct. 91
Cmdr, 33 FW, TAC, Eglin AFB FL	Oct. 91	Jun. 92
Cmdr 33 FW, ACC, Eglin AFB FL	Jun. 92	Jun. 93
Cmdr, 1 FW, ACC, Langley AFB VA	Jun. 93	May 95
Dep Dir (Force Struc & Resrcs), J8, Jt Staff, Pentagon DC	May 95	Jul. 96
Dir, Oper Rqmts, AF/XOR, HQ USAF, Pentagon DC	Jul. 96	Jul. 98
Prin Dep Asst SAF for Acquisition, SAF/AQ, HQ USAF, Pentagon DC	Jul. 98	Jan. 00
Cmdr, United States Air Forces in Europe, Cmdr, Allied Air Forces Northern Europe, NATO, AF Component Cmdr, USEUCOM, Ramstein AFB, GE		Aug. 03
Comdr, Air Force Materiel Command, Wright Patterson AFB, OH	Jan. 00	Present
	Aug. 03	

Promotions:

	Effective date
Second Lieutenant	3 Jun 70
First Lieutenant	3 Dec 71
Captain	3 Dec 73
Major	4 Dec 78
Lieutenant Colonel	1 Dec 82
Colonel	1 Dec 86
Brigadier General	1 Jul 93
Major General	1 Jul 96
Lieutenant General	27 Jul 98
General	1 Jun 00

Decorations:

Defense Distinguished Service Medal
 Distinguished Service Medal
 Defense Superior Service Medal
 Legion of Merit with two Bronze Oak Leaf Clusters
 Distinguished Flying Cross
 Meritorious Service Medal with three Bronze Oak Leaf Clusters
 Air Medal with two silver and one Bronze Oak Leaf Cluster
 Air Force Commendation Medal

Summary of joint assignments:

Assignments	Dates	Grade
Aide to the CSAF, HQ USAF, Pentagon DC ¹	Jul. 77-Jul. 78	Captain
Vice Dir (Force Structure & Resources), J-8, Joint Staff, Pentagon DC	May 95-Jul. 96	Brig. Gen
Commander, United States Air Forces in Europe, Commander, Allied Air Forces Northern Europe, North Atlantic Treaty Organization and Air Force Component Commander, United States European Command, Ramstein AB, Germany.	Jan. 00-Aug. 03	Gen

¹ Joint Equivalent

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent to the Senate to complete a form that details the biographical, financial, and other information of the nominee.

The form executed by Gen. Gregory S. Martin, USAF, in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. Name: (Include any former names used.)

Gregory S. Martin.

2. Position to which nominated:

Commander, United States Pacific Command, Camp H.M. Smith, Hawaii.

3. Date of nomination:

September 7, 2004.

4. Address: (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. Date and place of birth:

April 24, 1948; Fort Myer, Virginia.

6. Marital Status: (Include maiden name of wife or husband's name.)

Married to Wendy Bliss Martin (maiden name is Bliss).

7. Names and ages of children:

Daughter: 1Lt Tracie Lyn Martin, 28 years old.

Son: Aaron Todd Martin, 25 years old.

Son: Tyler Webster Martin, 18 years old.

8. Government experience: List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

9. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Military Liaison to the Dayton Business Committee.

10. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

USAF Academy Association of Graduates

Order of the Daedalians

Air Force Association

Veterans of Foreign Wars

National Geographic Society

Military Officers Association of America

Air Force Sergeants Association.

11. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding

service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

Honorary Doctorate, University of Maryland, University College.

Medal of Commander of Order and Valor (Cameroon).

Medal of Merit, Gold (Netherlands).

Legion of Honor (France).

Cross of Merit (First Class) of the Minister of Defense of the Czech Republic.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

GREGORY STUART MARTIN.

This 12th day of July, 2004.

[The nomination of Gen. Gregory S. Martin, USAF, was withdrawn by the President on October 7, 2004.]

TO CONSIDER THE NOMINATIONS OF JOSEPH F. BADER AND R. BRUCE MATTHEWS TO BE MEMBERS OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD; OTIS W. BRAWLEY AND VINICIO E. MADRIGAL TO BE MEMBERS OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES; AND TO VOTE ON CERTAIN MILITARY NOMINATIONS

WEDNESDAY, NOVEMBER 17, 2004

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to recess, at 3:18 p.m. in executive session in Room SR-222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Roberts, Allard, Ensign, Talent, Chambliss, Cornyn, Levin, Akaka, E. Benjamin Nelson, Dayton, and Pryor.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; L. David Cherington, counsel; Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Stanley R. O'Connor, Jr., professional staff member; Paula J. Philbin, professional staff member; Lynn F. Rusten, professional staff member; Joseph T. Sixeas, professional staff member; Robert M. Soofer, professional staff member; Scott W. Stucky, general counsel; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobs, Democratic staff director; Daniel J. Cox, Jr., professional staff member; Madelyn R. Creedon, minority counsel; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Maren R. Leed, professional staff member; Peter K. Levine, minority counsel; and William G.P. Monahan, minority counsel.

Staff assistant present: Nicholas W. West.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; Richard H. Fontaine, Jr., assistant to Senator McCain; John A. Bonsell, assistant to Senator Inhofe; Darren M.

Dick, assistant to Senator Roberts; Jayson Roehl, assistant to Senator Allard; Arch Galloway II, assistant to Senator Sessions; James P. Dohoney, Jr., assistant to Senator Collins; D'Arcy Grisier, assistant to Senator Ensign; Lindsey R. Neas, assistant to Senator Talent; Clyde E. Taylor IV, assistant to Senator Chambliss; Christine O. Hill, assistant to Senator Dole; Mieke Y. Eoyang, assistant to Senator Kennedy; Christina Evans and Erik Raven, assistants to Senator Byrd; Frederick M. Downey, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi and Richard Kessler, assistants to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator E. Benjamin Nelson; and Todd Rosenblum, assistant to Senator Bayh.

Chairman WARNER. Mr. Secretary, we have a quorum present so I am going to ask the committee to consider the nominations of Joseph F. Bader and Bruce Matthews to be members of the Defense Nuclear Facilities Safety Board. Their nominations have been before the committee the required length of time and no objection has been raised.

Is there a motion to favorably report the nominations of Mr. Bader and Mr. Matthews?

Senator LEVIN. So moved.

Chairman WARNER. Is there a second?

Senator ALLARD. Second.

Chairman WARNER. All in favor say aye. [A chorus of ayes.]

Opposed? [No response.]

Further, we have before the committee the nominations of Otis W. Brawley, Jr., and Vinicio E. Madrigal to be members of the Board of Regents of the Uniformed Services University of the Health Services. Their nominations being before the committee the required period of time and no objections have been raised. Is there a motion to favorably report them out?

Senator LEVIN. So moved.

Chairman WARNER. Second?

Senator ALLARD. Second.

Chairman WARNER. All in favor? [A chorus of ayes.]

Opposed? [No response.]

Now we proceed to a list of 459 pending military nominations. The nominations being before the committee the required length of time and no objections being raised in regards to them, is there a motion?

Senator LEVIN. So moved.

Senator ALLARD. Second.

Chairman WARNER. All in favor say aye. [A chorus of ayes.]

Thank you very much, gentlemen. Thank you, the witnesses, for deferring to us.

[The list of nominations considered and approved by the committee follows:]

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON NOVEMBER 17, 2004.

1. In the Air Force there is one appointment to the grade of major general (list begins with BGEN John H. Folkerts, USAF) (Reference No. 1331-2).

2. Lieutenant General Bruce A. Wright, USAF to be lieutenant general and Commander, U.S. Forces Japan and Commander, Fifth Air Force, Pacific Air Forces (Reference No. 2012).

3. In the Navy there are 457 appointments to the grade of lieutenant (list begins with Armand P. Abad) (Reference No. 2021).

Total: 459.

[The nomination reference of Joseph F. Bader follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 7, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Joseph F. Bader, of the District of Columbia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2007, vice Jessie M. Roberson, term expired.

[The nomination reference of R. Bruce Matthews follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 14, 2003.

Ordered, That the following nomination be referred to the Committee on Armed Services:

R. Bruce Matthews, of New Mexico, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2005, vice Joseph DiNunno, resigned, to which position he was appointed during the last recess of the Senate.

[The nomination reference of Otis W. Brawley follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 1, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

[The nomination reference of Vinicio E. Madrigal follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 1, 2004.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Vinicio E. Madrigal, of Louisiana, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

[Whereupon, at 3:20 p.m., the executive session was adjourned and the committee proceeded to other business.]

APPENDIX

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CIVILIAN NOMINEES

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
2. **Position to which nominated:**
3. **Date of nomination:**
4. **Address:** (List current place of residence and office addresses.)
5. **Date and place of birth:**
6. **Marital Status:** (Include maiden name of wife or husband's name.)
7. **Names and ages of children:**
8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

14. Honors and Awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

16. Speeches: Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through F will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all business connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

5. Is your spouse employed and, if so, where?

6. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.
2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.
3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.
4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.
5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)
6. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any legal impediments to your serving in this position?

PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.
2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.
3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.
4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?
5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.
2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

PART F—FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents.

1. Describe the terms of any beneficial trust or blind trust of which you, your spouse, or your dependents may be a beneficiary. In the case of a blind trust, provide the name of the trustee(s) and a copy of the trust agreement.

2. Provide a description of any fiduciary responsibility or power of attorney which you hold for or on behalf of any other person.

3. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts and other future benefits which you expect to derive from current or previous business relationships, professional services and firm memberships, employers, clients and customers.

4. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

5. Have your taxes always been paid on time?

6. Were all your taxes, Federal, State, and local, current (filed and paid) as of the date of your nomination?

7. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

8. Have any tax liens, either Federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership?

(The committee may require that copies of your Federal income tax returns be provided to the committee. These documents will be made available only to Senators and the staff designated by the Chairman. They will not be available for public inspection.)

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____.

This _____ day of _____, 20_____.

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL
AND FINANCIAL INFORMATION REQUESTED OF CERTAIN SENIOR
MILITARY NOMINEES

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

Washington, DC 20510-6050

COMMITTEE ON ARMED SERVICES FORM
BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES FOR CERTAIN SENIOR MILITARY POSITIONS

INSTRUCTIONS TO THE NOMINEE:

Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

If you have completed this form in connection with a prior military nomination, you may use the following procedure in lieu of submitting a new form. In your letter to the Chairman, add the following paragraph to the end:

"I hereby incorporate by reference the information and commitments contained in the Senate Armed Services Committee form 'Biographical and Financial Information Requested of Nominees for Certain Senior Military Positions,' submitted to the Committee on [insert date or your prior form]. I agree that all such commitments apply to the position to which I have been nominated and that all such information is current except as follows:" [If any information on your prior form needs to be updated, please cite the part of the form and the question number and set forth the updated information in your letter to the Chairman.]

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
2. **Position to which nominated:**
3. **Date of nomination:**
4. **Address:** (List current place of residence and office addresses. Also include your office telephone number.)
5. **Date and place of birth:**
6. **Marital Status:** (Include name of husband or wife, including wife's maiden name.)
7. **Names and ages of children:**
8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the Executive Branch.

9. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

11. Honors and Awards: List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the Executive Branch.

12. Commitment to testify before Senate committees: Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

13. Personal views: Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through E will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your military service. If so, explain.

2. Has anybody made a commitment to employ your services in any capacity after you leave military service?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

5. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

6. Is your spouse employed and, if so, where?

PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.
2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.
3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or litigation? If so, provide details.
4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?
5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.
2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.
3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.
4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

This _____ day of _____, 20____.



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